

Guzman, Andrea (CAT)

From: Coolbrith, Elizabeth (CAT) on behalf of CityAttorney
Sent: Wednesday, May 15, 2019 9:17 AM
To: Russi, Brad (CAT)
Cc: Pradhan, Manu (CAT)
Subject: FW: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure Request
Attachments: SF-Supervisor-Appeal-For-Mayor-72902-ar.pdf



Brad, please see attached/below.

Thanks,
Elizabeth

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

From: 72902-46637773@requests.muckrock.com <72902-46637773@requests.muckrock.com>
Sent: Wednesday, May 15, 2019 1:28 AM
To: CityAttorney <cityattorney@SFCITYATTY.ORG>
Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure Request

May 15, 2019

This is a follow up to a previous request:

Attached is a new petition to the Supervisor of Records.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Filed via MuckRock.com
E-mail (Preferred): 72902-46637773@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAxJIHIMv5WCJDSHoGRqLEvZI%3A1hQpGn%3ArUAnorXB6O2bC_Sa5tEGEFDCJ-Y

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News

DEPT MR 72902
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On May 14, 2019:
Good Morning:

Mayor London Breed, Hank Heckel and the Office of the Mayor have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:

Complaint Attached.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

On May 11, 2019:

The following Sunshine Task Force complaint against Office of Mayor was filed earlier today:

https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72902/SF-Mayor-Calendar-SOTF-Appeal-72902.pdf

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you,
Anonymous

On May 11, 2019:

A new Sunshine Task Force complaint against Office of Mayor is attached.

We will also submit an entry on your webform.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you,
Anonymous

On May 9, 2019:

We do not believe your arguments re: the acceptability of PDF format are valid and intend to contest them at the Sunshine Task Force. First, 6253.9(f) protects the integrity and security of the *original* record, not the copy of the record you provide to the public. Regardless, PDFs which are not digitally signed can be quite easily edited by anyone, no differently than editing say the .ics calendar file you could have provided to us. Second, 6253.9(a)(1) plainly requires provision of the in "any electronic format in which it holds the information" and we asked for the original format. Our understanding of computer systems indicates that format is not PDF.

In the mean time, I will point out that the original electronic format of the Mayor's calendar may contain substantial additional information (such as email addresses, conference call numbers, actual names of attendees instead of group descriptions, the acceptance/rejection of individual attendees to the invite, etc.) than that which was printed out for us. In addition to, and separately from, not being in the original format, by converting to PDF, you may have withheld such portions of the record from us, without pointing out to us that the portions

were in fact withheld nor providing statutory justification for exemption (required by CPRA and the Sunshine Ordinance) nor providing the name and title of the official responsible for such withholding. Please provide all such information, if any information was withheld in the PDF you released to us, as compared to the original format.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you.

On May 9, 2019:
VIA ELECTRONIC MAIL
Requestor: Anonymous

Email: 72902-46637773@requests.muckrock.com

May 9, 2019

Re: Public Records Request received May 8, 2019

To whom it may concern:

This responds to your Immediate Disclosure Request below.

Response Dated April 24, 2019

Thank you for your inquiry. Please see attached the requested information.

This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Moreover, pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record.

Please also note that we are responding on behalf of the Mayor's Office only, and not on behalf of other city departments.

If you have any questions about your request or would like to submit another public records request, please feel free to contact us at mayorsunshinerequests@sfgov.org <<mailto:mayorsunshinerequests@sfgov.org>>.

Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

On May 8, 2019:

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72902-46637773@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAxJIIHIMv5WCJDSHoGRqLEvZI%3A1hQpGn%3ArUAnorXB6O2bC_Sa5tEGEFDCJ-Y

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 72902
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly

addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl.
San Francisco CA 94102
cityattorney@SFCITYATTY.ORG
sent via email to Supervisor of Records

Our ref.
#72902

Date
2019-05-15

RE: SF Sunshine Ordinance petition against Mayor, ref 72902

To the Supervisor of Records of the City and County of San Francisco:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This petition is addressed to you in your capacity as Supervisor of Records, with regards to the actions of the Office of Mayor with regards to a Sunshine Ordinance / California Public Records Act request.

On May 8, 2019, I made an anonymous, Immediate Disclosure, request (see Attachment 1) for public records to Office of Mayor.

Unsatisfied with the Mayor's response, I filed an anonymous complaint with the SF Sunshine Ordinance Task Force (see Attachment 2) regarding my experience, which has been captioned by the Task Force as File 19047, *Anonymous v. Mayor London Breed and Hank Heckel, Office of the Mayor*. Included in the attachment are exhibits detailing the request, the Mayor's responses, and my reasoning that the response of the Mayor was inadequate under the Sunshine Ordinance and the California Public Records Act, all of which I incorporate into this petition.

As the complaint describes, the rights under the Sunshine Ordinance that I wish to vindicate are similar, but not identical (calendar vs. email content, and other minor differences), to those of my pending complaint against your office in its capacity as City Attorney in Task Force File 19044, *Anonymous v. Dennis Herrera, Elizabeth Coolbrith* and the related petition I filed with your office

as Supervisor of Records. Please however note the distinct email addresses used for each of these proceedings and keep communications separate.

While there is a City Attorney opinion¹ entitled “Providing Electronic Records In PDF Rather Than Word Format When Responding To A Public Records Request,” I believe that the opinion does not apply to the Mayor’s request for two reasons because the calendar data I have requested, unlike Word documents, do not contain ‘track changes’ metadata that includes prior revisions. Furthermore, if you do believe the opinion is applicable, I believe, though I am not an attorney, the opinion’s interpretation of Govt Code 6253.9(f) in section “Protecting The Text Of The Electronic Record” is wrong for the reasons detailed in my Attachment 2, Section D.2. Regardless, none of that justifies a public agency not providing a justification for withholding the portions of the records I requested, but were not withheld. I also ask that you consider any potential conflict of interest in these various cases.

In parallel with Task Force complaint 19047, I am anonymously petitioning you under SF Admin Code Sec 67.21(d)² to, within 10 days, direct the Mayor to: (1) provide us with the full public records requested as specified in Attachment 1, (2) provide in writing any justifications for withholding specific parts of the responsive records, and (3) provide us all other relief requested of the Task Force in Section E of Attachment 2, to the extent compatible with your powers as Supervisor of Records.

encl: Attachment 1 – May 8, 2019 request

encl: Attachment 2 – Complaint Filed with SF Sunshine Ordinance Task Force, including Exhibits A and B

¹<https://www.sfcityattorney.org/wp-content/uploads/2015/07/Providing-Electronic-Records-in-PDF-Rather-than-Word-Format-When-Responding-to-a-Public-Records-Request.pdf>

²“(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petitioner, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person’s request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.”

Attachment 1 - request sent to mayorsunshinerequests@sfgov.org

May 8, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

**** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). ****

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Attachment 2 - Task Force complaint

SUNSHINE ORDINANCE TASK FORCE

Room 244 - Tel. (415) 554-7724; Fax (415) 554-7854

1 Dr. Carlton B. Goodlett Place

San Francisco CA 94102

cc: Office of the Mayor (mayorsunshinerequests@sfgov.org)

sent via email and web-form to Task Force, email to Office of Mayor

Our ref.
#72902

Date
2019-05-10

RE: SF Sunshine Ordinance Complaint against Office of Mayor, ref 72902

To Whom It May Concern:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

A. METADATA:

Complainant Name: (Anonymous - use email 72902-46637773@requests.muckrock.com)

Date of Request: May 8, 2019

Complaint Against Employees: London N. Breed (Breed) in her official capacity as Mayor, Hank Heckel (Heckel) in his official capacity as Compliance Officer for Office of Mayor

Complaint Against Agency: Office of Mayor

Yes - Alleged violation of public records access

Yes - Alleged failure to provide information in a timely manner in accordance with the provisions of the Sunshine Ordinance

No - Alleged violation of a public meeting

B. NARRATIVE:

On May 8, 2019 we sent a San Francisco Sunshine Ordinance (Ordinance) and California Public Records Act (CPRA) request to the Office of Mayor (enclosed herein as Exhibit A, which also includes the communication back and forth with the Mayor's office and Heckel) for, *inter alia*:

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

On May 8, 2019 Heckel acknowledged the request and on May 9, 2019 Heckel replied on behalf of Breed with records responsive to the request in relevant part:

Re: Public Records Request received May 8, 2019

To whom it may concern:

This responds to your Immediate Disclosure Request below.

Response Dated April 24, 2019 *[sic]*

Thank you for your inquiry. Please see attached the requested information.

This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Moreover, pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record.

and attached a PDF form (Exhibit B – the PDF file itself can also be downloaded at https://cdn.muckrock.com/foia_files/2019/05/09/MuckRock_Calendar_Request_4-27_-_5-4.pdf) of the requested calendar including only: times, physical locations, and titles of events and names or descriptions of some attendees, to which I replied on the same day in relevant part:

We do not believe your arguments re: the acceptability of PDF format are valid and intend to contest them at the Sunshine Task Force. First, 6253.9(f) protects the integrity and security of the *original* record, not the copy of the record you provide to the public. Regardless, PDFs which are not digitally signed can be quite easily edited by anyone, no differently than editing say the .ics calendar file you could have provided to us. Second, 6253.9(a)(1) plainly requires provision of the *[sic]* in "any electronic format in which it holds the information" and we asked for the original format. Our understanding of computer systems indicates that format is not PDF.

In the mean time, I will point out that the original electronic format of the Mayor's calendar may contain substantial additional information (such as email addresses, conference call numbers, actual names of attendees instead of group descriptions, the acceptance/rejection of individual attendees to the invite, etc.) than that which was printed out for us. In addition to, and separately from, not being in the original format, by converting to PDF, you may have withheld such portions of the record from us, without pointing out to us that the portions were in fact withheld nor providing statutory justification for exemption (required by CPRA and the Sunshine Ordinance) nor providing the name and title of the official responsible for such withholding. Please provide all such information, if any information was withheld in the PDF you released to us, as compared to the original format.

Since I had previously requested the entire calendar items in their original electronic format, I proceeded to file this complaint.

C. COMPLAINTS:

I make the following allegations. I am not an attorney, so my understanding is associated with proper sections of the law to the best of my (lay) ability.

1. Violations of SF Admin Code Sec. 67.27. Justification Of Withholding

On May 9, 2019, Heckel's response did not justify withholding portions of the responsive calendar records (namely the headers and metadata, which we had specifically requested in our original request). No statutory nor case law authority was provided. Note Heckel provided an argument (which we believe to be wrong, see below) for why he had not provided the original format. He did not provide any justification for withholding the header and metadata information, even in PDF format. Our original request did indicate that if the Mayor were to convert the calendar to PDF format, we still wanted the entire record with all headers, metadata, etc.

We specifically asked for calendars in the original electronic format. Calendars are not stored in PDF format by calendaring systems. From the City's SB 272 enterprise systems list, it appears the

City¹ uses Microsoft Exchange/Outlook as its email and calendaring system. Such a system should be able to export a full copy of calendar items in iCalendar/.ics format, which preserves most if not all of the item's content. This could be done by simply printing out the .ics/iCalendar exported file and redacting as needed.

2. Violations of SF Admin Code Sec. 67.26. Withholding Kept To A Minimum

On May 9, 2019, responsive records as provided in an attachment to Heckel's response (Exhibit B) did not withhold the minimum necessary portions of the calendars requested. While it may be argued that some of the headers of a calendar item could be withheld for privacy reasons (though we do not concede such point), that does not mean the Mayor can withhold all portions of the calendar items other than Time, Title, Physical Location, and (sometimes) Attendee Names/Descriptions.

3. Violations of SF Admin Code Sec. 67.21. Process For Gaining Access To Public Records; Administrative Appeals.

67.21(b) ("...If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance....") was violated by Heckel's May 9, 2019 response wherein he did not indicate that the Mayor was withholding the remaining portions of the full calendar item records, with headers and metadata.

67.21(l) ("Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department...") was violated on May 9, 2019 since Heckel provided the calendars requested in PDF format and not the raw/original format stored by the email servers. This original format (which we specifically requested) contains those additional headers we requested. As described in Complaint 1, paragraph 2, we believe exporting of calendar items in iCalendar/.ics format should be easy given the City's systems.

4. Violations of CA Govt Code 6253.9

6253.9(a)(1) ("...The agency shall make the information available in any electronic format in which it holds the information....") was violated for reasons stated under the second paragraph of complaint #3.

5. Violations of CA Govt Code 6253

6253(a) ("Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.") was violated for reasons stated under complaint #2. Portions of the responsive email records (headers, metadata) that are not exempt under the law were deleted by using the PDF print-out formats that the Mayor chose.

¹For some reason, it appears only SF Public Health has listed its email system, not the Mayor, so this is an extrapolation.

6. Violations of CA Govt Code 6255

6255(a) was violated for reasons stated under complaint #1.

D. REBUTTALS:

1. CA Govt Code 6253.9(a)(1) does not permit use of formats for “transferability and accessibility”

In Heckel’s May 9 response, the Office of the Mayor argued “This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1).”

By its plain language, that is not what 6253.9(a)(1) requires. CA Govt Code 6253.9(a) reads:

(a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

- (1) The agency shall make the information available in any electronic format in which it holds the information.
- (2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

Since there is no ambiguity in the statute’s language, 6253.9(a)(1) should be given its plain meaning. Nothing in this clause refers to conversion of files for transferability and accessibility.

2. CA Govt Code 6253.9(f) protects the security and integrity of originals, not copies

In Heckel’s May 9 response, the Office of the Mayor argued “pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record.”

This argument fails for two reasons.

Most importantly, 6253.9(f) states (emphasis mine) “Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the *original record* or of any proprietary software in which it is maintained.” The Mayor appears to believe that the PDF format makes it harder for someone to modify the file. However that would be (if it was true) a protection of the integrity of *the copy*. That is not what the statute requires.

Otherwise, physical copies could not be provided under the CPRA, as they can be easily altered in writing/printed, and recopied, and passed off as the originals.

Secondarily, the PDF format, in the form that the Mayor has used it to provide the responsive record on May 9, does not even protect the security and integrity of *the copy*. Anyone can modify a PDF file with, among many other products, Apple's Preview app (a free default app that comes with Mac OS X computers), Adobe's Acrobat or Photoshop. Persons could also of course modify the iCalendar/.ics exported file copies just as easily. If the Mayor wants to use the PDF format to protect the copies (even though that is not what the statute requires), they would need to be, for example, digitally signed, which is an information technology solution that uses cryptography to make it extremely difficult to pass off an altered version of the copy as identical to the original. My examination of the PDF file provided by Heckel (https://cdn.muckrock.com/foia_files/2019/05/09/MuckRock_Calendar_Request_4-27_-_5-4.pdf) shows no indication of a standard PDF digital signature.

E. RELIEF REQUESTED

I have a parallel pending complaint (*Anonymous v. Dennis Herrera, Elizabeth Coolbrith*, SOTF File No. 19044) against the Office of the City Attorney for similar (but not identical) claims regarding alleged failure to disclose emails (not calendars) in their full, original electronic format. I ask the Task Force to keep in mind the possible conflicts of interest apparent in an attorney from the Office of City Attorney assisting the Task Force on this complaint, for which a ruling in my favor would tend to also favor finding against the City Attorney in case 19044 as well.

I ask the Task Force to find that the Office of the Mayor violated the Sunshine Ordinance (including any requirements of the CPRA incorporated by reference in SF Admin Code) on May 9, 2019.

I ask the Task Force to direct the Mayor or her delegate to produce the full calendars we originally requested, with redaction of only those headers or metadata (if any) that can be justified legally and explicitly.

I ask the Task Force to direct that calendars be produced by San Francisco agencies subject to the Sunshine Ordinance in their original format, preserving headers and metadata, except those that can be withheld with explicit justification.

I ask for a hearing, to the extent possible given my desire to remain anonymous.

I reserve my right to petition the Supervisor of Records and/or any judicial remedies that may be available.

encl: Exhibit A – Original Request and Communications with Mayor’s Office

encl: Exhibit B – Responsive record titled “MuckRock Calendar Request 4-27 - 5-4.pdf”

Exhibit A

Correspondence with Office of Mayor
The MuckRock system censors the email address
as 'requests@muckrock.com' in certain locations.

From: Anonymous Person

05/08/2019 

Subject: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure ...

Email

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the [MuckRock.com](https://muckrock.com) service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

From: Anonymous Person

05/08/2019 


Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclos...

Email

We remind you of your obligation under City of San Jose v Superior Court (2017) to search personal accounts/devices for calendar items regarding the public's business, as appropriate.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the [MuckRock.com](https://muckrock.com) service used to issue this request (though I am not a MuckRock representative). **

From: Office of the Mayor

05/08/2019 

Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclos...

Email

Received. We are processing our response.

Thank you,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
(415) 554-4796

From: Office of the Mayor

05/09/2019 

Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclos...

Email

VIA ELECTRONIC MAIL
Requestor: Anonymous

Email: requests@muckrock.com

May 9, 2019

Re: Public Records Request received May 8, 2019

To whom it may concern:

This responds to your Immediate Disclosure Request below.

Response Dated April 24, 2019

Thank you for your inquiry. Please see attached the requested information.

This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Moreover, pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record.

Please also note that we are responding on behalf of the Mayor's Office only, and not on behalf of other city departments.

If you have any questions about your request or would like to submit another public records request, please feel free to contact us

at mayorsunshinerequests@sfgov.org<mailto:mayorsunshinerequests@sfgov.org>.

Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

#SFSOTF-72902-000010



MuckRock Calendar Request 4-27 - 5-4

 [View](#)  [Embed](#)  [Download](#)

From: Anonymous Person

05/09/2019 

Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclos...

[Email](#)

We do not believe your arguments re: the acceptability of PDF format are valid and intend to contest them at the Sunshine Task Force. First, 6253.9(f) protects the integrity and security of the *original* record, not the copy of the record you provide to the public. Regardless, PDFs which are not digitally signed can be quite easily edited by anyone, no differently than editing say the .ics calendar file you could have provided to us. Second, 6253.9(a)(1) plainly requires provision of the in "any electronic format in which it holds the information" and we asked for the original format. Our understanding of computer systems indicates that format is not PDF.

In the mean time, I will point out that the original electronic format of the Mayor's calendar may contain substantial additional information (such as email addresses, conference call numbers, actual names of attendees instead of group descriptions, the acceptance/rejection of individual attendees to the invite, etc.) than that which was printed out for us. In addition to, and separately from, not being in the original format, by converting to PDF, you may have withheld such portions of the record from us, without pointing out to us that the portions were in fact withheld nor providing statutory justification for exemption (required by CPRA and the Sunshine Ordinance) nor providing the name and title of the official responsible for such withholding. Please provide all such information, if any information was withheld in the PDF you released to us, as compared to the original format.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the [MuckRock.com](https://muckrock.com) service used to issue this request (though I am not a MuckRock representative). **

Thank you.

Exhibit B
Responsive record produced by Heckel
on May 9, 2019

Page 4 of the calendar contained fonts missing on my computer - they appear to be merely bullet points.

PDF file available at:
https://cdn.muckrock.com/foia_files/2019/05/09/MuckRock_Calendar_Request_4-27_-_5-4.pdf

April 27, 2019

Saturday

- 8:45 AM - 9:15 AM North Beach Farmers Market 2019 Season Open -- 699 Columbus Avenue, San Francisco, CA 94133
- 11:55 AM - 1:25 PM 12th Annual McKinley Elementary School Dogfest -- Duboce Park, Noe Street at Duboce Avenue, San Francisco, CA 94114
- 7:05 PM - 7:20 PM A Banner of Love Gala: A Night in Venice -- St. Mary's Cathedral, 1111 Gough St., San Francisco
- 7:35 PM - 8:00 PM San Francisco Gay Men's Chorus Crescendo Gala -- The Fairmont San Francisco, 950 Mason Street, Main Ballroom
- 8:40 PM - 9:00 PM Beyond Differences Gala -- Terra Gallery, 511 Harrison Street, San Francisco

April 28, 2019

Sunday

- 12:30 PM - 1:00 PM St. Francis Wood Women's League Annual Luncheon -- The Olympic Club Lakeside, Garden Court, 599 Skyline Blvd, San Francisco, CA 94132
- 7:00 PM - 7:30 PM North Beach Citizens' Spring Dinner -- 666 Filbert Street, San Francisco CA 94133

April 29, 2019

Monday

- 9:00 AM - 9:30 AM Meeting Re: Staff Check In -- Remote Conference Call
Attendees:
- Mayor's Office Staff
- 1:05 PM - 1:30 PM Meeting with President Yee Re: District 7 -- City Hall, Room 200, Mayor's Office
Attendees:
- President Yee, Supervisor for District 7, Board of Supervisors
- Jen Lowe, Legislative Aide, Board of Supervisors
- Mayor's Office Staff
- 1:39 PM - 1:46 PM Press availability re: MTA Director -- City Hall, Room 200
- 1:51 PM - 2:10 PM Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office
Attendees:
- Mayor's Office Staff
- 2:34 PM - 2:45 PM Swearing In Ceremony for Sophie Maxwell and Tim Paulson -- City Hall, International Room
Attendees:
- Sophie Maxwell, Public Utilities Commission Appointee
- Tim Paulson, Public Utilities Commission Appointee

April 29, 2019 Continued

Monday

- Harlan Kelly Jr., General Manager, San Francisco Public Utilities Commission
- Larry Mazzola Jr., President (Plumbers & Pipe Fitters Local 38), Recreation and Park Commissioner
- Sandra Duarte, Executive Assistant San Francisco Building and Construction Trades Council
- Kim Tavaglione, Campaign Director San Francisco Labor Council
- Willie Adams, Port Commissioner
- Mayor's Office Staff

3:01 PM - 3:29 PM

Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

3:31 PM - 4:03 PM

Meeting Re: City Operations and Government Affairs -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

4:10 PM - 4:55 PM

Meeting Re: Housing Bond with Supervisor Yee and Members of Housing Bond Working Group -- City Hall, Room 201

6:00 PM - 6:30 PM

Grace Cathedral Paris Sister City Event for Notre-Dame, Sri Lanka, Louisiana Churches, and Poway Synagogue -- Grace Cathedral, 1100 California Street

6:45 PM - 8:00 PM

Recode Decode Podcast Live Recording -- Manny's 3092 16th Street

April 30, 2019

Tuesday

9:00 AM - 9:30 AM

Meeting Re: Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

10:35 AM - 10:50 AM

Public Works Week Awards and Pins Ceremony -- Moscone Center South, Third Floor, 747 Howard St.

12:00 PM - 12:30 PM

Telephone Interview with LA Times Reporter Heidi Chang -- Remote Conference Call

Attendees:

- Heidi Chang, Reporter, Los Angeles Times
- Mayor's Office Staff

12:35 PM - 1:15 PM

Meeting Re: Budget -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

April 30, 2019 Continued

Tuesday

1:34 PM - 1:50 PM

Meeting Re: Town Hall Event -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

2:09 PM - 2:45 PM

Meeting with San Francisco Latino Parity and Equity Coalition -- City Hall, Room 201

2:46 PM - 3:10 PM

Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

3:10 PM - 3:33 PM

Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

May 1, 2019

Wednesday

9:00 AM - 9:30 AM

Meeting Re: Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

10:00 AM - 10:30 AM

Live Phone Interview with KIQI -- Remote Conference Call

Attendees:

- Isabel Gutierrez, KIQI radio host
- Marcos Gutierrez, KIQI radio host
- Mayor's Office Staff

11:00 AM - 11:30 AM

Fire Station 5 Ribbon Cutting -- Fire Station No. 5, 1301 Turk St

12:00 PM - 12:15 PM

Jewish Vocational Service Strictly Business Luncheon -- San Francisco Marriott Marquis Hotel, 780 Mission Street

2:04 PM - 2:43 PM

Meeting Re: City Services and Operations -- City Hall, Room 200, Mayor's Office

Attendees:

- Naomi Kelly, City Administrator, City and County of San Francisco
- Heather Green, Capital Planning Director, City and County of San Francisco
- Mayor's Office Staff

2:43 PM - 2:46 PM

Swearing In Ceremony for Frank Fung -- City Hall, Room 200, Mayor's Office

Attendees:

- Frank Fung, Planning Commissioner
- Aimee Fung, Daughter of Frank Fung
- Mayor's Office Staff

May 1, 2019 Continued

Wednesday

2:46 PM - 3:13 PM

Meeting Re: City Services and Operations -- City Hall, Room 200, Mayor's Office

Attendees:

- Naomi Kelly, City Administrator, City and County of San Francisco
- Heather Green, Capital Planning Director, City and County of San Francisco
- Mayor's Office Staff

3:20 PM - 3:46 PM

Meet and Greet with Jamestown Community Center Youth -- City Hall, International Room

4:03 PM - 4:35 PM

Meeting Re: Public Safety -- City Hall, Room 200 Mayor's Office

Attendees:

- Chief William Scott, SFPD
- Deirdre Hussey, Director of Policy and Public Affairs, SFPD
- Mayor's Office Staff

5:00 PM - 5:20 PM

Neighborhood Preference Program Tour and SFGovTV Interview -- 150 Van Ness

Attendees:

- Mario Watts, resident
- Josiah Watts, resident
- Kim Dubin, Mayor's Office of Community Housing and Development
- Max Barnes, Mayor's Office of Community Housing and Development
- Mayor's Office Staff

5:30 PM - 6:00 PM

Asian Pacific American Heritage Month Awards and Reception Celebration -- Herbst Theater, War Memorial Building, 401 Van Ness Avenue

May 2, 2019

Thursday

9:00 AM - 9:30 AM

Meeting Re: Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

12:04 PM - 12:25 PM

Lest We Forget Photo Exhibit for Holocaust Remembrance Day -- City Hall, Room 200, Mayor's Office

12:31 PM - 12:48 PM

Meeting re: Street Conditions -- City Hall, Room 200, Mayor's Office

Attendees:

- Chief William Scott, Chief of Police, San Francisco Police Department
- Dr. Grant Colfax, Director, Department of Public Health
- Mohammed Nuru, Director, Department of Public Works
- Jeff Kositky, Director, Department of Homelessness and Supportive Housing
- Mary Ellen Carrol, Director, Department of Emergency Management
- Mayor's Office Staff

May 2, 2019 Continued

Thursday

1:31 PM - 2:11 PM

Meeting Re: Budget -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

2:14 PM - 2:34 PM

Meeting Re: Communications -- City Hall, Room 200, Mayor's Office

Attendees:

- Mayor's Office Staff

2:34 PM - 3:07 PM

Meeting Re: Commissions -- City Hall, Room 200, MO

Attendees:

- Mayor's Office Staff

3:10 PM - 3:41 PM

Meeting with Civil Grand Jury -- City Hall, Room 201

3:42 PM - 3:49 PM

Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office

Attendees:

- Kylecia Broom, Community Development Assistant, Mayor's Office of Housing and Community Development
- Steven Gallardo, Displaced Tenant Housing Preference Program Coordinator, Mayor's Office of Housing and Community Development
- Mayor's Office Staff

5:30 PM - 6:00 PM

Alliance of Black School Educators Scholarship and Salute Banquet -- African American Art and Culture Complex, 762 Fulton Street, 3rd Floor

May 3, 2019

Friday

9:00 AM - 9:30 AM

Meeting Re: Staff Check In -- Remote Conference Call

Attendees:

- Mayor's Office Staff

1:00 PM - 1:30 PM

Downtown Streets Team Mission Ribbon Cutting -- 3100 17th Street, San Francisco

May 4, 2019

Saturday

3:30 PM - 4:30 PM

San Francisco Lowrider Council Cinco De Mayo John O'Connell High School Car Show and Cruise -- John O'Connell High School Parking Lot, 2300 Block of Harrison Street

May 4, 2019 Continued

Saturday

6:10 PM - 6:40 PM

The Association of Chinese Teachers 50th Anniversary Gala -- Scottish Rite Masonic Center, 2850 19th Avenue

Guzman, Andrea (CAT)

From: 72056-97339218@requests.muckrock.com
Sent: Wednesday, May 08, 2019 8:22 PM
To: CityAttorney
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information
Attachments: SF-Sunshine-Ordinance-Supervisor-of-Records-Petition-72056-a.pdf

May 8, 2019

This is a follow up to a previous request:

Attached is a petition under the Sunshine Ordinance sec. 67.21(d) to Dennis Herrera in his capacity as Supervisor of Records.

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hOZda%3AEMPxHDWRzRfKjF-F8CCdrRr113k

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 72056
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On May 8, 2019:

I have gone ahead and submitted a form entry. Please note however your own website says that instead of filling out the form I could send a letter, which I previously did.

On May 8, 2019:

To Whom It May Concern:

I need for you to fill out the Complaint Form in order to process your request. It is at the link below:

<https://sfgov.org/sunshine/complaint-form>

Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

On May 8, 2019:
Hello,

I was previously told I need to file a complaint form. I do not believe using your specific form is necessary even under your own policies, which merely require me to include "Short and concise description of the facts, The name of the Department where the request was submitted – as well as any individual working at the agency who the request involves, A description of how the action or inaction violates the Sunshine Ordinance, Supporting documentation, if applicable, such as a copy of the request to department and or any response from the department, Provide at least one reliable method of contacting the requester (i.e. email address, mailing address or telephone number)." Your website says I may send my own formal letter.

All of those minimum requirements, incl. the request and responses, are met in my original emailed PDF letter, which I have again attached here and also faxed to the SOTF. Please confirm receipt.

Thank you!

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

On May 8, 2019:
We sent the attached Sunshine Ordinance complaint to the Sunshine Ordinance Task Force.

****Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).****

On May 8, 2019:

See attached Sunshine Ordinance complaint.

****Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).****

On April 20, 2019:

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:

20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:

<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:

20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:

<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:

<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:

DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hOZda%3AEMPxHDWRzRfKjF-F8CCdrRr113k

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 72056
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl.
San Francisco CA 94102
cityattorney@SFCITYATTY.ORG
sent via email to Supervisor of Records

Our ref.
#72056

Date
2019-05-08

RE: SF Sunshine Ordinance petition against City Attorney, ref 72056

To the Supervisor of Records of the City and County of San Francisco:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This petition is addressed to you in your capacity as Supervisor of Records, with regards to the actions of your office, in its City Attorney capacity. I am not an attorney and not aware of whether any case law does or does not permit you to direct your own office, in a different capacity, to provide us with public records in accordance with the Sunshine Ordinance and California Public Records Act.

On April 20, 2019, I made an anonymous request (see Attachment 1) for public records to your office in its City Attorney capacity.

Unsatisfied with the City Attorney's response, on May 8, 2019, I filed an anonymous complaint with the SF Sunshine Ordinance Task Force (see Attachment 2) regarding my experience. Included in the attachment are exhibits detailing the request, the City Attorney's responses, and my reasoning that the response of the City Attorney was inadequate under the Sunshine Ordinance and the California Public Records Act, all of which I incorporate into this petition.

In parallel with the Task Force complaint, I am anonymously petitioning you under SF Admin Code

Sec 67.21(d)¹ to, within 10 days, direct your office, in its City Attorney capacity, to: (1) provide us with the full public records requested, numbered A{3,4,5,6} in Attachment 1, and (2) provide in writing any justifications for withholding specific parts of the responsive records.

encl: Attachment 1 – April 20, 2019 request

encl: Attachment 2 – Complaint Filed with SF Sunshine Ordinance Task Force, including Exhibits A, B, and C

¹"(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petitioner, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance."

Attachment 1 - request sent to cityattorney@SFCITYATTY.ORG

San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

April 20, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:
20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:
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A4. the e-mail message with Message-Id:
<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:
DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

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However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Attachment 2 - Task Force complaint

SUNSHINE ORDINANCE TASK FORCE

Room 244 - Tel. (415) 554-7724; Fax (415) 554-7854

1 Dr. Carlton B. Goodlett Place

San Francisco CA 94102

cc: City Attorney (cityattorney@SFCITYATTY.ORG)

sent via email and fax to Task Force, email to City Attorney

Our ref.
#72056

Date
2019-05-08

RE: SF Sunshine Ordinance Complaint against City Attorney, ref 72056

To Whom It May Concern:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

A. METADATA:

Complainant Name: (Anonymous - use email 72056-97339218@requests.muckrock.com)

Date of Request: April 20, 2019

Complaint Against Employees: Dennis Herrera (Herrera) in his official capacity as city attorney, Elizabeth A. Coolbrith (Coolbrith) in her official capacity as paralegal for city attorney

Complaint Against Agency: Office of City Attorney

Yes - Alleged violation of public records access

Yes - Alleged failure to provide information in a timely manner in accordance with the provisions of the Sunshine Ordinance

No - Alleged violation of a public meeting

B. NARRATIVE:

On April 20, 2019 we sent a San Francisco Sunshine Ordinance (Ordinance) and California Public Records Act (CPRA) request to the City Attorney – enclosed herein as Exhibit A, which also includes the communication back and forth with the City Attorney’s office and Coolbrith. On April 22, 2019 Coolbrith replied on behalf of Herrera with records responsive to part "B" and asking for clarification on part "A", to which I replied on the same day. On April 23, 2019 Coolbrith notified us our request would not be treated as an Immediate Disclosure request.

On April 24, 2019 Coolbrith provided us “two emails [that] are responsive to portions A3/A4, and A5/A6 of your request.” (with the responsive records provided as Exhibit B and Exhibit C).

I replied on the same day as follows:

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.

We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

The MuckRock.com system automatically sent a reminder to City Attorney on May 8, 2019, to which Coolbrith replied on the same day in part:

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

I replied on the same day, in part:

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:

- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-Ip
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

Since I had previously requested the entire email message with full headers and statutory justification, I proceeded to file this complaint.

C. COMPLAINTS:

I make the following allegations. I am not an attorney, so my understanding is associated with proper sections of the law to the best of my (lay) ability.

1. Violations of SF Admin Code Sec. 67.27. Justification Of Withholding

On April 24, 2019 and May 8, 2019, Coolbrith's responses did not justify withholding portions of the responsive email records (namely the headers, which we had specifically requested in our original request and April 24, 2019 reply). No statutory nor case law authority was provided.

2. Violations of SF Admin Code Sec. 67.26. Withholding Kept To A Minimum

On April 24, 2019, responsive records as provided in attachments to Coolbrith's response (Exhibits B and C) did not withhold the minimum necessary portions of the emails requested. While it may be argued that some of the headers of an email could be withheld for privacy reasons (though we do not concede such point), that does not mean the City Attorney can withhold all portions of the email other than From, To, Subject, Sent, the attachments, and the email body.

Furthermore, information that is clearly public record was withheld by converting the email record to PDF format in the specific manner that the City Attorney did. For example, the From header in one of the PDFs states "Coolbrith, Elizabeth (CAT) on behalf of CityAttorney." The original e-mail record would include the email address of "Coolbrith, Elizabeth (CAT)" and "CityAttorney" instead of just their names - these are official, public employee email addresses that there is no reason to withhold.

3. Violations of SF Admin Code Sec. 67.21. Process For Gaining Access To Public Records; Administrative Appeals.

67.21(b) ("...If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance...") was violated by Coolbrith's April 24, 2019 response wherein she did not indicate that the City Attorney believed the remaining portion (other headers) of the emails we requested were exempt, and on May 8 as well when Coolbrith indicated they would not disclose any more records without any justification.

67.21(i) ("The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. ") was violated since it is the City Attorney itself denying us access to a portion of the email record.

67.21(l) ("Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department...") was violated on April 24, 2019 since Coolbrith provided the emails requested in PDF format and not the raw/original format stored by the email

servers. This original format (which we specifically requested) contains those additional headers we requested.

4. Violations of CA Govt Code 6253.9

6253.9(a)(1) (“...The agency shall make the information available in any electronic format in which it holds the information....”) was violated for reasons stated under the third paragraph of complaint #3. We specifically asked for emails in the format the agency held them in. Emails are not held in PDF format by email servers.

5. Violations of CA Govt Code 6253

6253(a) (“Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.”) was violated for reasons stated under complaint #2. Portions of the responsive email records that are not exempt under the law were deleted.

6. Violations of CA Govt Code 6255

6255(a) was violated for reasons stated under complaint #1.

D. RELIEF REQUESTED

SF Admin Code Sec 67.30 provides in part that “The City Attorney shall serve as legal advisor to the task force. The Sunshine Ordinance Task Force shall, at its request, have assigned to in an attorney from within the City Attorney's Office or other appropriate City Office, who is experienced in public-access law matters. This attorney shall serve solely as a legal advisor and advocate to the Task Force and an ethical wall will be maintained between the work of this attorney on behalf of the Task Force and any person or Office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.” I ask the Task Force to keep in mind the possible conflicts of interest apparent in an attorney from the Office of City Attorney investigating complaints against the City Attorney itself.

I ask for the Task Force to direct the City Attorney to produce the full emails we originally requested, with redaction of only those headers (if any) that can be justified legally and explicitly. I ask the Task Force to direct that emails be produced by San Francisco agencies subject to the Sunshine Ordinance in their original format, preserving headers, except those that can be withheld with explicit justification. I ask for a hearing, to the extent possible given my desire to remain anonymous.

I do not believe adequate relief is available under SF Admin Code Sec 67.21(d) since the City Attorney is also the Supervisor of Records. However, we reserve our right to petition the Supervisor of Records in that capacity, separate from his capacity as the local agency responsible for responding to our request under the CPRA.

encl: Exhibit A – Original Request and Communications with City Attorney

encl: Exhibit B – Responsive record titled Email_4.18.19.pdf

encl: Exhibit C – Responsive record titled Email_4.19.19.pdf

Exhibit A

From: Anonymous Person

04/20/2019

Subject: California Public Records Act Request: Immediate Disclosure Request - Em...

Email

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:
20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:
requests@muckrock.com

A4. the e-mail message with Message-Id:
<requests@muckrock.com>

A5. the e-mail message with Message-Id:
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:
DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the [MuckRock.com](https://muckrock.com) service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

From: San Francisco City Attorney

04/22/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Hello,

I am writing in response to your below immediate disclosure request, received today.

Regarding your first request, "A" - could you please provide more context? I am not sure I understand what the emails are or how to locate them based on the information provided.

Regarding your second request, "B", please see below links to the Good Government Guide and to information on the San Francisco Sunshine Ordinance. Our office's internal advice is exempt from disclosure under attorney-client privilege.

<https://www.sfcityattorney.org/good-government/good-government-guide/>

<https://www.sfcityattorney.org/good-government/>

Please send replies
to cityattorney@sfcityatty.org <<mailto:cityattorney@sfcityatty.org>>

Sincerely,

[cid:image003.jpg@01D4F8F6.4D963580]Elizabeth A. Coolbrith
Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

www.sfcityattorney.org

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>

Twitter<<https://twitter.com/SFCityAttorney>>

Instagram<<https://www.instagram.com/sfcityattorney/>>



image003

 [Download](#)



image001

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From: Anonymous Person

04/22/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Message-Ids uniquely identify e-mail messages in your email servers. From the headers of your most recent email, it appears your office uses Microsoft Outlook and/or Microsoft Exchange - therefore, your IT department/contractor should be able to retrieve e-mail records directly from your server using the Message-Ids we have provided.

From: San Francisco City Attorney

04/23/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.

Sincerely,

[cid:image003.jpg@01D4F8F6.4D963580]Elizabeth A. Coolbrith
Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

www.sfcityattorney.org

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>

Twitter<<https://twitter.com/SFCityAttorney>>

Instagram<<https://www.instagram.com/sfcityattorney/>>



image003

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image001

 [Download](#)

From: Anonymous Person

04/22/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Message-Ids uniquely identify e-mail messages in your email servers. From the headers of your most recent email, it appears your office uses Microsoft Outlook and/or Microsoft Exchange - therefore, your IT department/contractor should be able to retrieve e-mail records directly from your server using the Message-Ids we have provided.

From: San Francisco City Attorney

04/23/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.

Please send replies
to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4F9EE.FD8B8960]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>
Twitter<<https://twitter.com/SFCityAttorney>>
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image001

 [Download](#)



image002

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From: San Francisco City Attorney

04/24/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Dear Sir/Madam,

The attached two emails are responsive to portions A3/A4, and A5/A6 of your request below. We have conducted a reasonable and diligent search and did not locate any further responsive documents.

In addition, please note that we already responded to portion B of your request, on 4/22/2019.

If you have further questions or need anything additional, please feel free to reach out to us at the below contact information.

Please send replies
to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4FA8E.F0958DA0]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

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Instagram<<https://www.instagram.com/sfcityattorney/>>



Email 4.19.19

[View](#) [Embed](#) [Download](#)



image001

[Download](#)



image002

[Download](#)



Email 4.18.19

[View](#) [Embed](#) [Download](#)

From: Anonymous Person

04/24/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... [Email](#)

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.

We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

From: Muckrock Staff

05/08/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... [Email](#)

To Whom It May Concern:

I'm following up on the following California Public Records Act request, copied below, and originally submitted on April 20, 2019. You had previously indicated that it would be completed on May 2, 2019. I wanted to check on the status of my request, and to see if there was a new estimated completion date.

Thanks for your help, and let me know if further clarification is needed.

From: San Francisco City Attorney

05/08/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... [Email](#)

Hello,

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

Please send replies
to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D50583.20D9FFB0]Elizabeth A. Coolbrith
Paralegal

Office of City Attorney Dennis Herrera
(415) 554-4685 Direct

www.sfcityattorney.org

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Twitter<<https://twitter.com/SFCityAttorney>>

Instagram<<https://www.instagram.com/sfcityattorney/>>



image002

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image001

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From: Anonymous Person

05/08/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... [Email](#)

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:

- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-Ip
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

**Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service

used to issue this request (though I am not a MuckRock representative).**

Exhibit B - a responsive email record. note it includes an attachment of a separate CPRA request.

Coolbrith, Elizabeth (CAT)

From: 71969-51399120@requests.muckrock.com
Sent: Thursday, April 18, 2019 10:31 AM
To: CityAttorney
Subject: California Public Records Act Request: Immediate Disclosure Request - PRA Opinions
Attachments: ZX03-190418-0620-20SF20Attorney.pdf

San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

April 18, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.
Please see the attached letter.

Filed via MuckRock.com

E-mail (Preferred): 71969-51399120@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url_auth_token=AAAuFPyowSKvISVcsOY___QbVFM%3A1hHAs4%3AOwQe4c_mSkc6wjcWujmU_cmkaGU

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 71969
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

California Public Records Act Request

Immediate Disclosure Request

Your immediate response is requested.

Date

2019-04-18

Our Ref. Num.

ZX03-190418-06

Please provide the following public records pursuant to the California Public Records Act (the “Act”)¹, the San Francisco Sunshine Ordinance, and Article I of the California Constitution. If the recipient cannot address this request, please forward it to the appropriate official or staff member. “You” and “your,” refer to each of the one or more requestee public agencies, and not merely the individual recipient or member, agent, officer, or employee of the public agency. “Including” means “including but not limited to.” We reserve all of our rights under the Act and other applicable law.

All of your responses, including any disclosed records, secret URLs or file share passwords, may be automatically, instantly, and publicly viewable via the muckrock.com service.

Please be certain all responses are properly redacted. I am not a representative of MuckRock.

We request electronic copies of only those records that will be provided to us without any fees and/or that you waive fees. As we do not want any physical copies, we are not expecting any fees. However, if you determine that you would assess fees to provide us with copies of some or all records (which we may challenge), instead provide us with the fee-free determination of which responsive records exist, so that we may inspect the records instead (for free), if we so choose. As numerous records may be responsive, after providing your statutory response within appropriate deadlines, we are happy to receive record production in a rolling or incremental manner.

Requestee Public Agency

City and County of San Francisco – City Attorney

Requestor

An anonymous member of the public², who may be contacted only via email

¹References to the Act are made with respect to the Cal. Gov’t. Code as listed on https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=

²Since Act requests are not even required to be in writing (“The California Public Records Act plainly does not require a written request.” *Los Angeles Times v. Alameda Corridor Transp. Auth.* (2001) 88 Cal.App.4th 1381, 1392.) and may not be distinguished by the purpose of the request (Gov’t Code sec. 6257.5), I choose not to use any forms you may have made available for Act requests nor will I identify myself nor provide contact information other than e-mail address. I will not use any private entity’s contracted public records website if doing so would require agreement to terms or privacy policies which impose any conditions beyond the requirements of the Act.

Requests

Electronic copies, via email, of all records prepared, owned, used, or retained by each agency (including all appendices, attachments, inline images, exhibits, or shared files referenced in or by the below requested records, and including all public records that pursuant to *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 may exist on personal accounts or devices) of any of the following:

- R1. all requests for legal opinion from the City Attorney pursuant to San Francisco Administrative Code 67.21 from January 1, 2010 through April 18, 2019
- R2. all responses to R1, including published and unpublished opinions and refusals to provide an opinion

Note that per Gov't Code 6253.9(a)(1): "The agency shall make the information available in any electronic format in which it holds the information." If you have these records in .msg or .eml formats, please provide a lossless copy of that record in that original format, or in another format that fully preserves all e-mail headers and other metadata. If you instead, for example, print the email to PDF format, we will lose valuable data associated with the record, and you will not have provided us a complete copy of the public record.

In your notice of determination, state whether you have records responsive to each of the requests made. Please cite legal authority for any records or portions thereof withheld³ and the names and titles⁴ of each person responsible for such withholding. Please perform a diligent search for responsive records and examine them before determining they are exempt, as you may find that responsive records have segregatable disclosable portions that you must disclose,⁵ which cannot be determined unless you actually search for records.

Please provide all records solely in electronic format⁶ and via e-mail. If a record is available on your public website, a URL is preferable to duplication. If it is not, please consider publishing it so as to benefit the entire public and not just me. If records are too large to provide over e-mail, please use a file sharing service if your agency has one. If you use your file sharing service, and file access would expire, please set the expiration to no less than 30 days after notifying us of record availability. We choose not to provide a mailing address for physical CD-ROMs or USB drives both to preserve anonymity and reduce financial and environmental costs.

All public records "prepared, owned, used, or retained"⁷ by every agency⁸ named must be considered. Under *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 personal email accounts or mobile devices may contain disclosable public records – please search them as appropriate. If multiple agencies are addressed, a response from each is expected.

Please make note of the reference number (ZX03-190418-06) as I may have sent you multiple,

³Gov't Code sec. 6255

⁴Gov't Code sec. 6253(d)

⁵Gov't Code sec. 6253(a)

⁶Gov't Code sec. 6253.9(a)

⁷Gov't Code sec. 6252(e)

⁸See Gov't Code sec. 6527(e)(5) if you are a joint powers agency or joint powers authority.

distinct requests with different reference numbers.

Please promptly disclose⁹ of all disclosable records responsive to this request, and provide assistance, as needed, in identifying and locating responsive records and overcoming objections to their disclosure,¹⁰ in accordance with the Act, any “requirements for [yourself] that allow for faster, more efficient, or greater access to records,”¹¹ and other applicable laws and regulations.

Thank you for your prompt attention to this matter.

⁹Gov't Code sec. 6253(b)

¹⁰Gov't Code sec. 6253.1(a)

¹¹Gov't Code sec. 6253(e)

Exhibit C

Coolbrith, Elizabeth (CAT)

From: Coolbrith, Elizabeth (CAT) on behalf of CityAttorney
Sent: Thursday, April 18, 2019 12:59 PM
To: '71969-51399120@requests.muckrock.com'
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - PRA Opinions

Hello,

I am writing in response to your immediate disclosure request received April 18, 2019. Please note that we are invoking an extension of time under Government Code section 6253(c) due to the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business May 3, 2019.



Please send replies to cityattorney@sfcityatty.org

Sincerely,

Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

www.sfcityattorney.org

Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

From: 71969-51399120@requests.muckrock.com <71969-51399120@requests.muckrock.com>

Sent: Thursday, April 18, 2019 10:31 AM

To: CityAttorney <cityattorney@SFCITYATTY.ORG>

Subject: California Public Records Act Request: Immediate Disclosure Request - PRA Opinions

San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

April 18, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.
Please see the attached letter.

Filed via MuckRock.com

E-mail (Preferred): 71969-51399120@requests.muckrock.com

Upload documents directly:

<https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2F>

[Flogin%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url_auth_token=AAAuFPyowSKvISVcsOY__QbVFM%3A1hHAs4%3AOwQe4c_mSkc6wjcWujmU_cmkaGU](https://login%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url_auth_token=AAAuFPyowSKvISVcsOY__QbVFM%3A1hHAs4%3AOwQe4c_mSkc6wjcWujmU_cmkaGU)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 71969
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Guzman, Andrea (CAT)

From: 72902-46637773@requests.muckrock.com
Sent: Monday, June 03, 2019 9:26 PM
To: Supervisor Records
Subject: RE: California Public Records Act Request #19047

June 4, 2019

This is a follow up to request number 19047:

To the Supervisor of Records,

I previously petitioned you regarding my ref #72902, which is SOTF 19047, Anonymous v. Mayor London Breed and Hank Heckel, Office of the Mayor.

The Mayor provided a response to us in the SOTF case at:

https://cdn.muckrock.com/foia_files/2019/05/21/5.21.19_Response_to_SOTF_Complaint_File_19047_Re_Request_of_Anonymous.pdf

I have also sent a rebuttal to the SOTF:

https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72902/SF-Mayor-Calendar-Appeal-SOTF-19047-followup.pdf

I hope this additional information may be of use to you, and I look forward to your response.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72902-46637773@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJIIHIMv5WCJDSHoGRqLEvZI%3A1hY0xO%3AcybBfyEkLjcMqUc5AOTsUI5WQo8)

[72902%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJIIHIMv5WCJDSHoGRqLEvZI%3A1hY0xO%3AcybBfyEkLjcMqUc5AOTsUI5WQo8](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJIIHIMv5WCJDSHoGRqLEvZI%3A1hY0xO%3AcybBfyEkLjcMqUc5AOTsUI5WQo8)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 72902

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On June 4, 2019:
RE: SOTF - File No. 19047

Mr. Heckel, Mayor Breed, and Honorable Members of the Sunshine Ordinance Task Force,

I have attached a rebuttal to Mr. Heckel's response. I hope your Task Force will consider my complaint soon.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Sincerely,
Anonymous

On May 21, 2019:
Dear Honorable Members of the Sunshine Ordinance Task Force,

Please see the attached response to the complaint noticed below, and the attached associated files.
Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

On May 21, 2019:
To Whom It May Concern:

I write to inform you that we are working on responding to your petition. I hope to have a response to you no later than the end of next week. Thank you for your patience.

[cid:image003.jpg@01D51003.935E8850]Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

On May 15, 2019:
Attached is a new petition to the Supervisor of Records.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

On May 14, 2019:
Good Morning:

Mayor London Breed, Hank Heckel and the Office of the Mayor have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:

Complaint Attached.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

On May 8, 2019:

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72902-46637773@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJIIHIMv5WCJDSHoGRqLEvZI%3A1hY0xO%3AcybBfyEkLjcMqUc5AOTsUI5WQo8)

[72902%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJIIHIMv5WCJDSHoGRqLEvZI%3A1hY0xO%3AcybBfyEkLjcMqUc5AOTsUI5WQo8](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJIIHIMv5WCJDSHoGRqLEvZI%3A1hY0xO%3AcybBfyEkLjcMqUc5AOTsUI5WQo8)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 72902
411A Highland Ave
Somerville, MA 02144-2516

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Guzman, Andrea (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records
Sent: Tuesday, May 21, 2019 6:33 PM
To: '72902-46637773@requests.muckrock.com'
Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure Request



To Whom It May Concern:

I write to inform you that we are working on responding to your petition. I hope to have a response to you no later than the end of next week. Thank you for your patience.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: 72902-46637773@requests.muckrock.com <72902-46637773@requests.muckrock.com>
Sent: Wednesday, May 15, 2019 1:28 AM
To: CityAttorney <cityattorney@SFCITYATTY.ORG>
Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure Request

May 15, 2019

This is a follow up to a previous request:

Attached is a new petition to the Supervisor of Records.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Filed via MuckRock.com

E-mail (Preferred): 72902-46637773@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAxJIHIMv5WCJDSHoGRqLEvZI%3A1hQpGn%3ArUAnorXB6O2bC_Sa5tEGEFDCJ-Y

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For mailed responses, please address (see note):

MuckRock News
DEPT MR 72902

411A Highland Ave
Somerville, MA 02144-2516

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On May 14, 2019:
Good Morning:

Mayor London Breed, Hank Heckel and the Office of the Mayor have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:

Complaint Attached.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal

information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

On May 11, 2019:

The following Sunshine Task Force complaint against Office of Mayor was filed earlier today:

https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72902/SF-Mayor-Calendar-SOTF-Appeal-72902.pdf

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you,
Anonymous

On May 11, 2019:

A new Sunshine Task Force complaint against Office of Mayor is attached.
We will also submit an entry on your webform.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you,
Anonymous

On May 9, 2019:

We do not believe your arguments re: the acceptability of PDF format are valid and intend to contest them at the Sunshine Task Force. First, 6253.9(f) protects the integrity and security of the *original* record, not the copy of the record you provide to the public. Regardless, PDFs which are not digitally signed can be quite easily edited by anyone, no differently than editing say the .ics calendar file you could have provided to us. Second, 6253.9(a)(1) plainly requires provision of the in "any electronic format in which it holds the information" and we asked for the original format. Our understanding of computer systems indicates that format is not PDF.

In the mean time, I will point out that the original electronic format of the Mayor's calendar may contain substantial additional information (such as email addresses, conference call numbers, actual names of attendees instead of group descriptions, the acceptance/rejection of individual attendees to the invite, etc.) than that which was printed out for us. In addition to, and separately from, not being in the original format, by converting to PDF, you may have withheld such portions of the record from us, without pointing out to us that the portions were in fact withheld nor providing statutory justification for exemption (required by CPRA and the Sunshine Ordinance) nor providing the name and title of the official responsible for such withholding. Please provide all

such information, if any information was withheld in the PDF you released to us, as compared to the original format.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you.

On May 9, 2019:
VIA ELECTRONIC MAIL
Requestor: Anonymous

Email: 72902-46637773@requests.muckrock.com

May 9, 2019

Re: Public Records Request received May 8, 2019

To whom it may concern:

This responds to your Immediate Disclosure Request below.

Response Dated April 24, 2019

Thank you for your inquiry. Please see attached the requested information.

This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Moreover, pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record.

Please also note that we are responding on behalf of the Mayor's Office only, and not on behalf of other city departments.

If you have any questions about your request or would like to submit another public records request, please feel free to contact us at mayorsunshinerequests@sfgov.org<<mailto:mayorsunshinerequests@sfgov.org>>.

Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

On May 8, 2019:

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72902-46637773@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAxJIIHIMv5WCJDSHoGRqLEvZI%3A1hQpGn%3ArUAnorXB6O2bC_Sa5tEGEFDCJ-Y

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 72902
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly

addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Guzman, Andrea (CAT)

From: 72056-97339218@requests.muckrock.com on behalf of '72056-97339218@requests.muckrock.com' <72056-97339218@requests.muckrock.com>
Sent: Wednesday, May 22, 2019 1:06 AM
To: Supervisor Records
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

May 22, 2019

This is a follow up to a previous request:

To the Supervisor of Records:

I understand. Ms. Coolbrith sent us additional disclosures in the interim, and we have replied here:
https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf

Thank you for your consideration.

****Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).****

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hTMGT%3AFgzLVISPD9PxPLLGstXX0ZA6UI0&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 72056
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On May 21, 2019:

To Whom It May Concern: I write to inform you that we are still working on responding to your petition. I hope to have a response to you no later than the end of next week. Thank you for your patience.

[cid:image003.jpg@01D51004.01E2EBE0]Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

On May 17, 2019:

Re: SOTF File No. 19044

Task Force: The respondent agency recently disclosed additional portions of records after the complaint filing. I have attached my response for your files here, as I am not withdrawing my complaint. The PDF has been emailed to the respondent agency (City Attorney office) as well.

Thank you for your consideration.

Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

On May 17, 2019:

Apologies, the second sentence to pg. 2, para 4, should read " Since I believe the record responsive to **A5/A6** is in fact an email sent by Coolbrith herself..." not A3/A4.

Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

On May 17, 2019:

Re: SOTF File No. 19044

Task Force: The respondent agency recently disclosed additional portions of records after the complaint filing. I have attached my response for your files here, as I am not withdrawing my complaint. The PDF has been emailed to the respondent agency (City Attorney office) as well.

Thank you for your consideration.

****Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).****

On May 17, 2019:

My response is attached. It will also be sent to the Sunshine Task Force.

Thank you!

****Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).****

On April 20, 2019:

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:

20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:

<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:

20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:

<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:

<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:

DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hTMGT%3AFgzLVISPD9PxPLLGstXX0ZA6UI0&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 72056
411A Highland Ave
Somerville, MA 02144-2516

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Guzman, Andrea (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records
Sent: Tuesday, May 21, 2019 6:36 PM
To: '72056-97339218@requests.muckrock.com'
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information



To Whom It May Concern: I write to inform you that we are still working on responding to your petition. I hope to have a response to you no later than the end of next week. Thank you for your patience.

Bradley Russi

Deputy City Attorney

Office of City Attorney Dennis Herrera

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

From: Russi, Brad (CAT) **On Behalf Of** Supervisor Records
Sent: Tuesday, May 14, 2019 12:11 PM
To: '72056-97339218@requests.muckrock.com' <72056-97339218@requests.muckrock.com>

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information



To Whom It May Concern:

I write to acknowledge receipt of your petition to the Supervisor of Records below. Thank you.

Bradley Russi

Deputy City Attorney

Office of City Attorney Dennis Herrera

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

From: 72056-97339218@requests.muckrock.com <72056-97339218@requests.muckrock.com>
Sent: Wednesday, May 08, 2019 8:22 PM
To: CityAttorney <cityattorney@SFCITYATTY.ORG>
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

May 8, 2019

This is a follow up to a previous request:

Attached is a petition under the Sunshine Ordinance sec. 67.21(d) to Dennis Herrera in his capacity as Supervisor of Records.

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hOZda%3AEMPxHDWRzRfKjF-F8CCdrRr113k

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MuckRock News

DEPT MR 72056

411A Highland Ave

Somerville, MA 02144-2516

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On May 8, 2019:

I have gone ahead and submitted a form entry. Please note however your own website says that instead of filling out the form I could send a letter, which I previously did.

On May 8, 2019:

To Whom It May Concern:

I need for you to fill out the Complaint Form in order to process your request. It is at the link below:

<https://sfgov.org/sunshine/complaint-form>

Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

On May 8, 2019:
Hello,

I was previously told I need to file a complaint form. I do not believe using your specific form is necessary even under your own policies, which merely require me to include "Short and concise description of the facts, The name of the Department where the request was submitted – as well as any individual working at the agency who the request involves, A description of how the action or inaction violates the Sunshine Ordinance, Supporting documentation, if applicable, such as a copy of the request to department and or any response from the department, Provide at least one reliable method of contacting the requester (i.e. email address, mailing address or telephone number)." Your website says I may send my own formal letter.

All of those minimum requirements, incl. the request and responses, are met in my original emailed PDF letter, which I have again attached here and also faxed to the SOTF. Please confirm receipt.

Thank you!

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the [MuckRock.com](https://muckrock.com) service used to issue this request (though I am not a MuckRock representative).

On May 8, 2019:
We sent the attached Sunshine Ordinance complaint to the Sunshine Ordinance Task Force.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the [MuckRock.com](https://muckrock.com) service used to issue this request (though I am not a MuckRock representative).

On May 8, 2019:
See attached Sunshine Ordinance complaint.

**Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the [MuckRock.com](https://muckrock.com) service used to issue this request (though

I am not a MuckRock representative).**

On April 20, 2019:

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:
20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

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B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

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without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

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Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

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E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hOZda%3AEMPxHDWRzRfKjF-F8CCdrRr113k

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DEPT MR 72056
411A Highland Ave
Somerville, MA 02144-2516

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Sent: Tuesday, May 14, 2019 12:11 PM
To: '72056-97339218@requests.muckrock.com'
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information



To Whom It May Concern:

I write to acknowledge receipt of your petition to the Supervisor of Records below. Thank you.

Bradley Russi

Deputy City Attorney

Office of City Attorney Dennis Herrera

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

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Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

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I look forward to your immediate disclosure.

Sincerely,
Anonymous

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E-mail (Preferred): 72056-97339218@requests.muckrock.com

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https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hOZda%3AEMPxHDWRzRfKjF-F8CCdrRr113k

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Guzman, Andrea (CAT)

From: 72056-97339218@requests.muckrock.com
Sent: Tuesday, June 04, 2019 4:07 PM
To: Supervisor Records
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

June 4, 2019

This is a follow up to a previous request:

For your information, I sent a rebuttal to the Task Force to the City Attorney's response to SOTF 19044. In summary for your files:

My May 8 Supervisor of Records petition (including my May 8 Task Force complaint vs. City Attorney):

https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Sunshine-Ordinance-Supervisor-of-Records-Petition-72056-a.pdf

My May 17 follow up to City Attorney and the Task Force:

https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf

My June 4 rebuttal to City Attorney and the Task Force:

https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf

****Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).****

I look forward to your response to my petition.

Thank you for your consideration,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hYIWJ%3ABp3lXDyJ2jvSWse2QDP-Io-OZqw

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On June 4, 2019:

For your information, I sent a rebuttal to the Task Force to your response to SOTF 19044. It is included here: https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf

Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Thank you for your consideration,
Anonymous

On June 4, 2019:

Re: SOTF File No. 19044

Task Force,

I have included a rebuttal to Respondents' response. Please consider this in conjunction with my May 17 follow up and original May 8 complaint.

Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Thank you for your consideration,
Anonymous

On June 4, 2019:

RE: File No. 19044

Thank you, since the Respondents have indeed provided a response I hope to have a rebuttal for your consideration by tomorrow.

On June 4, 2019:
Dear Muckrock Requestor.

I apologize for not forwarding this response.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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On June 3, 2019:
Re: SOTF File No. 19044

Task Force,
Please read the attached follow up letter.

Thank you for your consideration.

Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

On April 20, 2019:
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:
20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:
20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:
<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:
DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

<https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2>

Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hYIWJ%3ABp3lXDyJ2jvSWse2QDP-Io-OZqw
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 72056
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Guzman, Andrea (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records
Sent: Friday, March 08, 2019 5:34 PM
To: 'Jones, Beth (STC)'; Stevenson, David (POL); Lopez, Denise
Cc: SFPD, Commission (POL); CityAttorney; Andraychak, Michael (POL); Cabrera, Alicia (CAT)
Subject: RE: CBS News and KPIX5/Request for Reconsideration of Denial of Request for Documents Relating to Incident Report 190-134-636
Attachments: Ltr. to B. Jones 3.8.2019.pdf



Ms. Jones –

Attached please find the response to your petition.

Best,

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: Jones, Beth (STC) <Beth.Jones@cbs.com>
Sent: Friday, March 01, 2019 5:23 PM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>; Stevenson, David (POL) <david.c.stevenson@sfgov.org>; Lopez, Denise <Denise.Lopez@cbs.com>
Cc: SFPD, Commission (POL) <SFPD.Commission@sfgov.org>; CityAttorney <cityattorney@SFCITYATTY.ORG>; Andraychak, Michael (POL) <michael.andraychak@sfgov.org>; Cabrera, Alicia (CAT) <Alicia.Cabrera@sfcityatty.org>
Subject: RE: CBS News and KPIX5/Request for Reconsideration of Denial of Request for Documents Relating to Incident Report 190-134-636

Yes, please. Let me know if you need any additional paperwork in connection with that process.

Thank you,
Beth Jones

From: Russi, Brad (CAT) <Brad.Russi@sfcityatty.org> **On Behalf Of** Supervisor Records
Sent: Friday, March 01, 2019 5:11 PM
To: Stevenson, David (POL) <david.c.stevenson@sfgov.org>; Lopez, Denise <Denise.Lopez@cbs.com>
Cc: Jones, Beth (STC) <Beth.Jones@cbs.com>; SFPD, Commission (POL) <SFPD.Commission@sfgov.org>; CityAttorney <cityattorney@SFCITYATTY.ORG>; Supervisor Records <supervisor.records@SFCITYATTY.ORG>; Andraychak, Michael (POL) <michael.andraychak@sfgov.org>; Cabrera, Alicia (CAT) <Alicia.Cabrera@sfcityatty.org>
Subject: RE: CBS News and KPIX5/Request for Reconsideration of Denial of Request for Documents Relating to Incident Report 190-134-636



CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Jones – Please let me know if you continue to seek a determination from the Supervisor of Records regarding SFPD's response to your public records request. Thank you.

Bradley Russi

Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: Stevenson, David (POL) <david.c.stevenson@sfgov.org>

Sent: Friday, March 01, 2019 3:04 PM

To: Lopez, Denise <Denise.Lopez@cbs.com>

Cc: Jones, Beth (STC) <Beth.Jones@cbs.com>; SFPD, Commission (POL) <SFPD.Commission@sfgov.org>; CityAttorney <cityattorney@SFCITYATTY.ORG>; Supervisor Records <supervisor.records@SFCITYATTY.ORG>; Andraychak, Michael (POL) <michael.andraychak@sfgov.org>; Cabrera, Alicia (CAT) <Alicia.Cabrera@sfcityatty.org>

Subject: Re: CBS News and KPIX5/Request for Reconsideration of Denial of Request for Documents Relating to Incident Report 190-134-636

The following is in response to a letter dated February 26, 2019 from CBS in-house counsel in regards to a request for documents related to the death of San Francisco Public Defender Jeff Adachi. SFPD stands by its original determination that any copies of this incident report provided to the public were unauthorized. As such, SFPD will not release the information under Govt. Code section 6254(f).

In response to your request for information pursuant to 6254(f)(2), we are providing the following information:

On February 22, 2019 at approximately 17:41 hours, dispatchers at the San Francisco Department of Emergency Management received a 911 call for a medical emergency at 46 Telegraph Place.

Emergency Medical Services (EMS) units arrived at approximately 17:45 hours. EMS personnel rendered aid to the patient and then transported him to the hospital at approximately 18:29 hours. The patient was pronounced deceased at California Pacific Medical Center (CPMC). The decedent was identified as Jeff Adachi, age 59 of San Francisco.

At approximately 20:33 hours, the Office of the Chief Medical Examiner (OCME) informed dispatch that they were enroute to 46 Telegraph Place and requested SFPD officers to meet

them at the scene. At approximately 20:46 hours SFPD responded to the call. At approximately 21:05 hours, DEM received a call from the OCME notifying dispatchers that OCME investigators could not gain entrance to the residence at 46 Telegraph Place or make contact with any witnesses at that time. The OCME investigators left the scene and returned to the hospital. At approximately 23:30 hours, the OCME investigators met with a witness who had control of the residence. Permission was obtained to enter the residence. OCME investigators and SFPD officers entered the residence and continued the investigation. This remains an active and ongoing undetermined death investigation by the San Francisco OCME and San Francisco Police Department.

David Stevenson
Director of Strategic Communications
San Francisco Police Department
1245 3rd Street, 6th Floor
San Francisco, CA 94158
(415)837-7242 Desk
(415)307-6524 Cell
(415)575-6083 Fax

From: Lopez, Denise <Denise.Lopez@cbs.com>
Sent: Tuesday, February 26, 2019 11:58:00 AM
To: Stevenson, David (POL)
Cc: Jones, Beth (STC); SFPD, Commission (POL); Cityattorney; Records, Supervisor (CAT)
Subject: CBS News and KPIX5/Request for Reconsideration of Denial of Request for Documents Relating to Incident Report 190-134-636

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Sent on behalf of Beth F. Jones, Esq.

Denise Lopez | Legal Assistant | CBS

Mailing Address: 4024 Radford Avenue, Carpenter 204, Studio City, CA 91604
Physical Address: 11846 Ventura Boulevard, Suite 204, Studio City, CA 91604
T: 818.655.1640 | denise.lopez@CBS.com

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CBS TELEVISION

CBS STUDIO CENTER, 4024 RADFORD AVENUE
STUDIO CITY, CALIFORNIA 91604-2101

(818) 655-1643
FAX: (818) 760-9548
beth.jones@cbs.com

BETH FINLEY JONES

VICE PRESIDENT, ASSOCIATE GENERAL COUNSEL

February 26, 2019

Via email (David.c.stevenson@sfgov.org)

Mr. David C. Stevenson
Director of Strategic Communication
San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

Re: CBS News and KPIX5/Request for Reconsideration of Denial of Request for Documents Relating to Incident Report 190-134-636

Dear Mr. Stevenson:

I am in-house counsel at CBS Television. I submit this letter on behalf of CBS News and CBS' San Francisco television station, KPIX5 (collectively, "CBS"), to respectfully request that the San Francisco Police Department ("SFPD") reconsider its refusal to release documents relating to the death of San Francisco Public Defender, Jeff Adachi. As you well know, both KPIX5 and CBS News submitted separate requests to SFPD for copies of records under the California Public Records Act ("CPRA") relating to Incident Number 190-134-636, including the Incident Report/Police Report (collectively, "Records"). Sergeant Michael Andraychak responded via email to KPIX5 that SFPD is refusing to produce the requested records, invoking the exemption under CPRA Section 6254(f) for records relating to an open investigation, the disclosure of which "may endanger successful completion of the investigation."

CPRA Section 6254(f)(2) expressly mandates that local law enforcement agencies shall make public the following information regarding a request for police assistance:

1. The time, substance, and location of all complaints or requests for assistance received by the agency;
2. The time and nature of the response thereto;
3. The time and date of the report;
4. The name and age of the victim;
5. The factual circumstances surrounding the crime or incident; and
6. A general description of any injuries, property or weapons involved.

Mr. David C. Stevenson
February 26, 2019
Page 2

An exception to these mandatory disclosure requirements is if the "disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation." CPRA Section 6254(f). SFPD cannot establish sufficient grounds for invoking this exception.

SFPD has not offered any explanation as to how release of the requested records would impair the successful completion of an investigation. In fact, it states only that the release of the documents "may" endanger successful completion of the investigation. Other public statements by SFPD are also inconsistent with the position that details surrounding the investigation of Mr. Adachi's death must be kept confidential. In its response to Ms. Caen's email, SFPD has said there were "no signs of foul play" regarding Mr. Adachi's death, which would suggest there is little concern for a murder or other criminal investigation.

Perhaps most fatal to SFPD's position is the fact that copies of the alleged Incident Report are already public, albeit not as a result of a formal disclosure by SFPD. Copies of the Incident Report were supposedly leaked and copies have been pirated to those willing to pay a fee. Portions of the alleged Incident Report, including photographs taken inside the apartment where Mr. Adachi was found, have also been published in television news reports and in the San Francisco Chronicle. These facts alone completely undermine the need for SFPD to keep the Records private.

Mr. Adachi was a high-ranking public official in San Francisco and questions surrounding his sudden and untimely death deserve public answers. Disclosure of the Records will serve to provide reliable details about his death rather than the rumors and speculation that currently abound. At a minimum, SFPD should produce the factual information mandated by CPRA Section 6254(f)(2). However, given that the Incident Report is already publicly available, the public interest served by disclosure certainly outweighs the public interest served by nondisclosure. Accordingly, CBS respectfully requests that SFPD produce the entire Incident Report and all related documents. By copy of this letter to the San Francisco City Attorney's Office, CBS is also filing an appeal of SFPD's decision under the applicable provisions of the Sunshine Ordinance.

Nothing contained in this letter constitutes a waiver of any of CBS' rights, remedies or defenses with respect to this matter, all of which are expressly reserved.

Very truly yours,



Beth Finley Jones

cc: Police Commissioner Robert Hirsch
San Francisco City Attorney, Dennis Herrera
Supervisor.Records@sfcityattty.org

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

BRADLEY A. RUSSI
DEPUTY CITY ATTORNEY

Direct Dial: (415) 554-4645
Email: brad.russi@sfcityattorney.org

March 8, 2019

Sent via email (Beth.Jones@cbs.com)

Beth Finley Jones
Vice President, Associate General Counsel
CBS Television
4024 Radford Avenue
Studio City, CA 91604

Re: Petition to Supervisor of Records

Dear Ms. Jones:

This letter responds to your petition to the Supervisor of Records sent via email on February 26, 2019. The petition concerns your public records request to the San Francisco Police Department ("SFPD") for records relating to Incident Number 190-134-636, including the incident report. The incident at issue arose from the death of San Francisco Public Defender Jeff Adachi. We conclude that SFPD properly declined to disclose records under Section 6254(f) of the Government Code, which provides that records of an investigation of a local police agency are exempt from disclosure. We further conclude that the information provided by SFPD concerning the incident complied with Section 6254(f)(2) of the Government Code and that SFPD properly withheld information due to a pending investigation. Finally, the disclosure, without authorization, of some documents or information concerning the incident does not affect our conclusion that SFPD responded properly to your request.

Background

On the evening of February 22, 2019, Public Defender Jeff Adachi unexpectedly passed away after emergency medical services transported him to the hospital from an apartment on Telegraph Place. SFPD officers responded to the Telegraph Place apartment later that night. Subsequent press accounts indicated that the SFPD incident report regarding the incident, or portions of the incident report, had been leaked.

You requested the SFPD incident report and related documents from SFPD under the Public Records Act and the San Francisco Sunshine Ordinance. SFPD withheld responsive records on the basis that disclosure "may endanger successful completion of the investigation," citing Government Code Section 6254(f). On March 1, 2019, SFPD provided you the following information under Government Code Section 6254(f)(2):

Letter to B. Jones
March 8, 2019
Page 2

On February 22, 2019 at approximately 17:41 hours, dispatchers at the San Francisco Department of Emergency Management received a 911 call for a medical emergency at 46 Telegraph Place.

Emergency Medical Services (EMS) units arrived at approximately 17:45 hours. EMS personnel rendered aid to the patient and then transported him to the hospital at approximately 18:29 hours. The patient was pronounced deceased at California Pacific Medical Center (CPMC). The decedent was identified as Jeff Adachi, age 59 of San Francisco.

At approximately 20:33 hours, the Office of the Chief Medical Examiner (OCME) informed dispatch that they were enroute to 46 Telegraph Place and requested SFPD officers to meet them at the scene. At approximately 20:46 hours SFPD responded to the call. At approximately 21:05 hours, DEM received a call from the OCME notifying dispatchers that OCME investigators could not gain entrance to the residence at 46 Telegraph Place or make contact with any witnesses at that time. The OCME investigators left the scene and returned to the hospital. At approximately 23:30 hours, he [sic] OCME investigators met with a witness who had control of the residence. Permission was obtained to enter the residence. OCME investigators and SFPD officers entered the residence and continued the investigation. This remains and [sic] active and ongoing undetermined death investigation by the San Francisco OCME and San Francisco Police Department.

Response to Petition

In your petition, you contend, (1) SFPD improperly relied on Section 6254(f) to decline to produce responsive records, (2) even if SFPD properly invoked Section 6254(f) to withhold records, SFPD should have provided information under Section 6254(f)(2), and (3) the public disclosure of some SFPD documents regarding this incident undermines SFPD's reliance on Section 6254(f) and SFPD should therefore be required to disclose responsive records.

1. *SFPD Properly Declined to Disclose Records Under Section 6254(f).*

Section 6254(f) of the Government Code provides in pertinent part that records of "investigations conducted by . . . any state or local police agency" may be withheld as exempt from disclosure. The underlying records of an investigation may be withheld by a local police agency even where Section 6254(f) requires information from these records to be disclosed in certain circumstances. For example, Section 6254(f)(2) requires information from investigatory records concerning "complaints or requests for assistance" to be disclosed, as discussed below, but it does not require the corresponding records be disclosed. The exemption for investigatory records does not depend on whether the investigation is ongoing. Indeed, "[t]he disclosure exemption extends indefinitely, even after an investigation is closed." *Rivero v. Superior Court*, 54 Cal. App. 4th, 1048, 1052 (1997) (citing *Williams v. Superior Court*, 5 Cal.4th 337, 355-62 (1993)). SFPD properly invoked this exemption to decline to disclose records of its investigation of this incident.

The San Francisco Sunshine Ordinance provides greater access to investigatory records if certain conditions are met. Section 67.24(d) of the San Francisco Administrative Code provides that "[r]ecords pertaining to any investigation, arrest or other law enforcement activity shall be

Letter to B. Jones
March 8, 2019
Page 3

disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first.” But such records may still be withheld in certain circumstances, such as where the public interest in non-disclosure outweighs the public interest in disclosure due to “[p]ersonal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy.” S.F. Admin. Code § 67.24(d)(2). Because the investigation at issue is ongoing, SFPD has no obligation to determine whether Section 67.24(d) requires disclosure at this time.

2. *SFPD Provided the Information Required to be Disclosed Under Section 6254(f)(2).*

Section 6254(f)(2) provides that notwithstanding the exemption from disclosure for records of an investigation, a local police agency must provide:

the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved.

But a police agency is not required to disclose this information where disclosure “would endanger the successful completion of the investigation or a related investigation.” Gov’t Code § 6254(f). After you filed your petition, SFPD provided you the information quoted above concerning the “time, substance, and location of the complaint” and the “time and nature of the response thereto.” SFPD provided some of the “factual circumstances surrounding the crime or incident” but not all such circumstances. But SFPD has stated that the disclosure of any additional information now would endanger an ongoing investigation. We are not in a position to question SFPD’s assertion that disclosure of additional information would adversely impact the ongoing investigation. We conclude that the information SFPD provided to you complies with Section 6254(f)(2).

3. *The Unauthorized Disclosure of Records Relating to the Incident Does Not Affect SFPD’s Proper Reliance on Section 6254(f).*

To the extent media outlets obtained documents concerning SFPD’s investigation of the incident, SFPD did not authorize such release, as SFPD has publicly affirmed and you recognize in your petition. An inadvertent or unauthorized disclosure of records does not waive the City’s authority to rely on properly invoked exemptions contained in the Public Records Act. *See Ardon v. City of Los Angeles*, 62 Cal.4th 1176 (2016) (concluding that city did not waive exemption for attorney-client privileged materials through inadvertent disclosure). As the court concluded in *Ardon*, a waiver under Section 6254.5 of the Government Code would occur where the disclosure was intentional. Here, it is not clear how the media obtained records regarding the incident, but we are not aware of any evidence that SFPD intentionally disclosed such records. And even where a local police agency intentionally discloses some records that may be withheld under Section 6254(f) that disclosure does not require the local police agency to disclose all records concerning the investigation. The unauthorized disclosure of some records relating to

Letter to B. Jones
March 8, 2019
Page 4

the incident did not waive SFPD's ability to rely on Section 6254(f) to withhold those records or any other records of the investigation.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

A handwritten signature in black ink, appearing to read 'BR', is positioned above the printed name of the Deputy City Attorney.

Bradley A. Russi
Deputy City Attorney

Guzman, Andrea (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records
Sent: Tuesday, April 30, 2019 10:57 AM
To: 'Geoffrey King'
Subject: RE: Public Records Request :: P006950-022519
Attachments: Ltr. to G. King 4.30.19.pdf



Mr. King – See attached response to your petition. I apologize for the delay.

Best,

Bradley Russi

Deputy City Attorney

Office of City Attorney Dennis Herrera

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

From: Geoffrey King <geoff@geoffreyking.org>
Sent: Friday, March 29, 2019 7:22 PM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>
Cc: geoff@geoffreyking.org
Subject: Re: Public Records Request :: P006950-022519

One truly does learn something new every day in this business. I somehow was not aware of this process. I'm glad it exists.

Yes, please consider this a formal Sunshine Ordinance appeal. Thank you.

Best,
Geoff

On Fri, Mar 29, 2019 at 2:47 PM Supervisor Records <supervisor.records@sfcityatty.org> wrote:

Mr. King –

Are you requesting that this office review your issues with SFPD's response under the purview of the Supervisor of Records? For your reference, this process is described on our website:

<https://www.sfcityattorney.org/good-government/sunshine-appeals/>



Bradley Russi

Deputy City Attorney

Office of City Attorney Dennis Herrera

(415) 554-4645 Direct

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

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Confidential Attorney Work Product - Do Not Disclose

This email may contain privileged or confidential information. If you are not the intended recipient, please reply to this email to inform me of your receipt and then destroy all copies.

From: Geoffrey King <geoff@geoffreyking.org>

Sent: Tuesday, March 26, 2019 6:17 PM

To: cityattorney <cityattorney@sfgov.org>

Subject: Fwd: Public Records Request :: P006950-022519

Dear Colleagues,

Please see the forwarded email, below.

I write to you in your capacity as counselors to your client agency, SFPD. I have been asking for a reasonable disclosure of records since February; after invoking its extensions, SFPD has denied my request in full.

The City of Vallejo [references](#) Willie McCoy's 2018 arrest by SFPD on an official webpage about his death. As you know, the charges in that case were dropped. The public cannot assess the

reasonableness of that almost year-old event. VPD hasn't released records; then again, their compliance with the PRA is very frequently suboptimal. I expect more from SFPD.

The records requested from SFPD relate to issues as simple as charging decisions. While I am asking for more than just that, it should be obvious that I am not seeking information — reasonably segregated from disclosable records — that would prejudice an ongoing investigation. I believe there is room for negotiation here.

Please let me know if your agency can intervene, and help us work toward a mutually-begrudging outcome.

Best,

Geoff

----- Forwarded message -----

From: **Geoffrey King** <geoff@geoffreyking.org>

Date: Tue, Mar 26, 2019 at 5:17 PM

Subject: Re: Public Records Request :: P006950-022519

To: San Francisco Police Records Portal <sanfranciscopd@mycusthelp.net>, Lt. Kathryn Waaland (SFPD) <kathryn.waaland@sfgov.org>

Lieutenant Waaland,

I have seen some creative claims about exemptions in my decade of open government experience, but this is impressive.

Your response asserts that SFPD cannot release year-old arrest information for a dead man. It cannot tell me whether charges were filed, declined or dropped. Records cannot be released, even with redactions. And to justify this, the agency cites nothing more specific than Government Code section 6254(f).

I am aware of the investigation regarding Mr. McCoy's death. These records are inapposite. To the extent they touch upon it, you may redact non-disclosable information consistent with the law.

Please let me know if you have any plans to do so no later than 5:00 p.m. tomorrow.

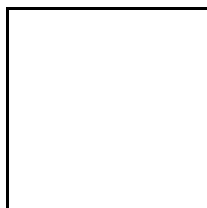
Geoffrey King

On Tue, Mar 26, 2019 at 5:07 PM San Francisco Police Records Portal <sanfranciscopd@mycusthelp.net> wrote:

Attachments:

[PRA 6950 - sfpd reponse letter.pdf](#)

--- Please respond above this line ---



March 26, 2019

Via email geoff@geoffreyking.org

Geoffrey King
CA

RE: Public Records Request, dated February 25, 2019, Reference # P006950-022519

Dear Geoffrey King:

In response to your request, please see attached document(s).

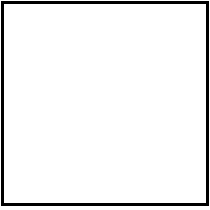
Sincerely,

Lieutenant Kathryn Waaland
Officer in Charge

Legal Division

To monitor the progress or update this request please log into the [SFPD Public Records Center](#).

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.



CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

BRADLEY A. RUSSI
DEPUTY CITY ATTORNEY

Direct Dial: (415) 554-4645
Email: brad.russi@sfcityatty.org

April 30, 2019

Sent via email (geoff@geoffreyking.org)

Geoffrey King

Re: Petition to Supervisor of Records

Dear Mr. King:

This letter responds to your petition to the Supervisor of Records. The petition concerns your public records request to the San Francisco Police Department ("SFPD") for "all records related to the status of charges against Willie McCoy . . . at the time of his death on February 9, 2019." We conclude that SFPD properly withheld documents under Section 6254(k) of the Government Code.

SFPD states that in order to comply with your request, it must search criminal offender record information. Section 11075(a) of the California Penal Code provides that criminal offender record information includes "the nature and disposition of criminal charges." Criminal offender record information is only available as authorized by statute. Penal Code § 11076. No statute authorizes disclosure of criminal offender record information to the general public in response to a public records request. Thus, SFPD properly withheld documents responsive to your request under Section 6254(k) of the Government Code, which provides an exemption for records "the disclosure of which is exempted or prohibited pursuant to federal or state law"

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

A handwritten signature in black ink, appearing to read "Bradley A. Russi".

Bradley A. Russi
Deputy City Attorney

Guzman, Andrea (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records
Sent: Friday, April 19, 2019 11:44 AM
To: 'sfneighborhoods.net'
Subject: RE: Questions/Professionalism Custodian of Records



Where a department relies on an exemption in the Public Records Act to withhold or redact documents, we look at whether the department properly invoked the exemption. If you believe OEWD has not produced all responsive documents, I can reach out to them and ask. Let me know. Thanks.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Tuesday, April 16, 2019 10:10 PM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>
Subject: Re: Questions/Professionalism Custodian of Records

Hello Mr Russi,

My apologies. I should have better understood the scope of the Supervisor of Records.

Question: You only determine "If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in **writing** as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance."?

I take it that if a custodian does not make any claim that a record is not public or exempt in writing and just fails to produce a record, that is under jurisdiction of SOTF only?

Thanks,
Mark Sullivan

On 4/16/2019 6:59 PM, Supervisor Records wrote:

Mr. Sullivan –

Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any

part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” That is the extent of the scope of Supervisor of Records jurisdiction. It is not clear from your email whether the department has withheld or redacted any records. It appears that they did not. Please let me know. Thank you.



Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: sfneighborhoods.net <info@sfneighborhoods.net>
Sent: Monday, April 15, 2019 2:40 PM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>
Subject: Questions/Professionalism Custodian of Records

To Supervisor of Records,

The below PR request brings up two questions:

Are screenshots of a document and or text of a document specific enough for a PR request?

If you make a very specific Immediate Disclosure Request request for certain documents (about 6 to 10), can a custodian of records dump about 510 records 4 days later and say your documents are in the pile of another request?

What happened:

In another PR request to OEWD by someone else, they received documents of which at first they only sent me screen shots and some text. They were having a hard time working with documents on the computer. I asking them for the documents (waited 2 weeks). They have not been able to find those documents, so I made a PR request to OEWD, April 4, 2019.

The e-mails chain below from the bottom to up, I made a public records request with the screen shots and text I had, about 6 to 10 documents. Marianne Thompson says that my request was not specific enough and closed my PR request. I pointed out that she should work with the requester to narrow the request or add the specificity needed before closing a PR request and pointed out the government code.

She replied that I should use some outline below that she did not provide but instead just copied me the government code I had sent her.

I sent her an Immediate Disclosure Request, giving the dates, the to or from, and subject matter of the about six documents I needed. It has been longer than "the close of business on the day following the day of the request". I made Immediate Disclosure Request because I think

Marianne Thompson has every intention of not complying with requests in a timely manner based on past PR requests made to her.

I also made a larger regular PR request at the same time as the Immediate Disclosure Request. "All e-mail correspondence of employees of OEWD that include the words Green Benefit District or GBD from December 2017 to the present. Please do not include duplicates. Include all attachments."

I asked for SOTF to intervene and they did. Four days beyond the deadline of the Immediate Disclosure Request, Marianne Thompson, produced the general request with about 510 documents and responded to my Immediate Disclosure Request:

Please see the documents in the previous response to your request.

We have sent you all of the documents regarding any and all Green Benefits Districts, and do not have any more documents.

M.

I think the public should expect more professionalism from custodian of records. I have found that custodian of records are generally hostile to requester and not very supportive of the idea of open government and transparency. It could be just me, but every requester should be treated the same.

Sincerely,

Mark Sullivan

Subject:PUBLIC RECORD REQUEST Immediate Disclosure Requests

Date:Fri, 5 Apr 2019 03:13:42 -0700

From:sfneighborhoods.net <info@sfneighborhoods.net>

To:Thompson, Marianne (ECN) <Marianne.Thompson@sfgov.org>

PUBLIC RECORD REQUEST

Immediate Disclosure Requests (Requests satisfied no later than the close of business on the day following the day of the request.)

Please send me the following document(s). The document(s) can be to or from Corgas, Christopher (ECN) also misspelled as Gorgas, Christopher (ECN) . Include any attachments.

1. June 18, 2018 to June 21, 2018

Gorgas, Christopher (ECN) or Corgas, Christopher (ECN)

Subject: Clarifying action item assignments and volunteers RE: REMINDER: Doodle Poll + Notes from 6/12 Dolores Park GBD Meeting

2. October 24, 2018

Gorgas, Christopher (ECN) or Corgas, Christopher (ECN)

Subject: Outreach Check-in: Mission Dolores GBD Feasibility Survey

3 January 10, 2018 to January 12, 2018

Corgas, Christopher (ECN)

Subject: Meeting

4 March 12, 2018

Corgas, Christopher (ECN)

Subject: Meeting Tonight

5 May 15, 2018

Corgas, Christopher (ECN)

Subject: GBD Steering Committee Meeting

6 June 1, 2018

Corgas, Christopher (ECN)

Subject: New SC member - Dolores Park GBD

Thank You,

Mark Sullivan

----- Forwarded Message -----

Subject:RE: Public Record Request

Date:Fri, 5 Apr 2019 16:08:34 +0000

From:Thompson, Marianne (ECN) <marianne.thompson@sfgov.org>

To:sfneighborhoods.net <info@sfneighborhoods.net>

Using the outline below, please submit a new and succinct request.

M.

Closing a request without assisting " the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances" is in violation of

California Government Code

Sec. 6253.1

(a)

When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1)

Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2)

Describe the information technology and physical location in which the records exist.

(3)

Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b)

The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

Marianne Mazzucco Thompson

Office of Economic and Workforce Development
City Hall, Room 448
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

P: 415-554-6297

E: Marianne.Thompson@sfgov.org

From: sfneighborhoods.net [<mailto:info@sfneighborhoods.net>]
Sent: Thursday, April 04, 2019 10:15 PM
To: Thompson, Marianne (ECN) <marianne.thompson@sfgov.org>
Subject: Re: Public Record Request

Closing a request without assisting " the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances" is in violation of

California Government Code

Sec. 6253.1

(a)

When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1)

Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2)

Describe the information technology and physical location in which the records exist.

(3)

Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b)

The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

On 4/4/2019 2:57 PM, Thompson, Marianne (ECN) wrote:

Good afternoon,

I am currently declining this request, as you are not being specific as to the types of records and documents that you are requesting, and you have not provided a subject nor topic that this request is regarding. Therefore I am closing out this request as it is incomplete and vague.

Best,

M.

Marianne Mazzucco Thompson

Office of Economic and Workforce Development
City Hall, Room 448
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

P: 415-554-6297

E: Marianne.Thompson@sfgov.org

From: sfneighborhoods [<mailto:sfneighborhoods.net@gmail.com>]

Sent: Thursday, April 04, 2019 2:01 PM

To: Thompson, Marianne (ECN) <marianne.thompson@sfgov.org>

Subject: Public Record Request

Hello Marianne Thompson,

PUBLIC RECORDS REQUEST

I am requesting the following documents that were part of a Public Record Request of OEWD to another person but of which I only have some texts and or screen shots of. I would like the pdf or word documents which they are stored. All have Chris Corgas (ECN) as receiving a copy.

Text copies of requested documents are followed by screen shots of requested documents below.

Thank You,
Mark Sullivan

econ
devin
tern,
(ECN
)
From
:

Sent: To:

Cc: Subject:

My apologies for the mix up. Thank you Hans for clarifying!

Since we have enough folks who can attend the proposed June 26th meeting date, I will be following-up with a calendar invite shortly.

Cheers, Jonathan

Jonathan Goldberg Green Benefit District Program Manager

Operations | San Francisco Public Works | City and County of San Francisco 2323
Cesar

Chavez Street | San Francisco, CA 94124 | (o) 415.695.2015 |

_____This one is probably in the same pdf as the one
below_____

From: Hans Kolbe
[\[mailto:hanskolbe@celantrasystems.com\]](mailto:hanskolbe@celantrasystems.com)
Sent: Tuesday, June 19, 2018 9:42 AM

To: Goldberg, Jonathan (DPW) [<jonathan.goldberg@sfdpw.org>](mailto:jonathan.goldberg@sfdpw.org); 'Toral Patel'

[<toral@placelabsf.org>](mailto:toral@placelabsf.org); 'Brett Lider' [<blider@gmail.com>](mailto:blider@gmail.com); bruce.r.bowen@gmail.com;
'Carolyn'

Thomas' [<carolynjO@yahoo.com>](mailto:carolynjO@yahoo.com); ckerby@sbcglobal.net; 'Dana De Lara'

[<danadelara@gmail.com>](mailto:danadelara@gmail.com); 'Eric Guthertz' [<guthertze@sfusd.edu>](mailto:guthertze@sfusd.edu); 'Gideon Kramer'

[<gykramer@earthlink.net>](mailto:gykramer@earthlink.net); 'Jim Chappell' [<jimchappellsf@gmail.com>](mailto:jimchappellsf@gmail.com);
lioremq@gmail.com;

nori.yatsunami.tong@gmail.com; rebecca@cds-sf.org; 'Robert Brust'
[<rkbrust@gmail.com>](mailto:rkbrust@gmail.com);

'Sam Mogannam' [<sam@biritemarket.com>](mailto:sam@biritemarket.com); toddssdavid@gmail.com

Cc: Gorgas, Christopher (ECN) [<christopher.corgas@sfgov.org>](mailto:christopher.corgas@sfgov.org); 'Brooke Ray Rivera'

[<brookeray@buildpublic.org>](mailto:brookeray@buildpublic.org) Subject: Clarifying action item assignments and
volunteers RE: REMINDER: Doodle Poll + Notes from 6/12 Dolores Park GBD
Meeting

Jonathan,

Thanks a lot for the detail minutes of our meeting, great! My recollection of the two
groups

preparing for the next meeting is different than you wrote down. I believe
Dana, Carolyn, and Robert volunteered for the communication plan, and Liore
and I volunteered for the survey questionnaire draft. I asked Conan whether
he volunteered. He offered to review any intermediary work product -but did
not want to be part of the assignment.

Please let me know if I am remembering incorrectly. In the meantime, I will start working
with

you on the survey.

Goldberg,
Jonathan (DPW)
Thursday, June
21, 2018 6:03 PM

Hans Kolbe; 'Toral Patel'; 'Brett Lider'; bruce.r.bowen@gmail.com; 'Carolyn Thomas';
ckerby@sbcglobal.net; 'Dana De Lara'; 'Eric Guthertz'; 'Gideon Kramer'; 'Jim Chappell';
lioremg@gmail.com; nori.yatsunami.tong@gmail.com; rebecca@cds-sf.org; 'Robert Brust';
'Sam Mogannam'; toddssdavid@gmail.com
Gorgas, Christopher (ECN); 'Brooke Ray Rivera'

RE: Clarifying action item assignments and volunteers RE: REMINDER:
Doodle Poll + Notes from 6/12 Dolores Park GBD Meeting

1

Thank you

Hans Kolbe Celantra Systems

From: Goldberg, Jonathan (DPW)
[\[mailto:jonathan.goldberg@sfdpw.org\]](mailto:jonathan.goldberg@sfdpw.org) Sent: Monday,
June 18, 2018 5:32 PM

To: Toral Patel toral@placelabsf.org; Hans Kolbe hanskolbe@celantrasystems.com;
Brett

Uder blider@gmail.com; bruce.r.bowen@gmail.com; Carolyn Thomas

carolynjO@yahoo.com; ckerby@sbcglobal.net; Dana De Lara
danadelara@gmail.com; Eric

Guthertz guthertze@sfsd.edu; Gideon Kramer gykramer@earthlink.net; Jim
Chappell

jimchappellsf@gmail.com; lioremg@gmail.com; nori.yatsunami.tong@gmail.com;
rebecca@cds-sf.org; Robert Brust rkbrust@gmail.com; Sam Mogannam
sam@biritemarket.com; toddssdavid@gmail.com

Cc: Gorgas, Christopher (ECN) Christopher.corgas@sfgov.org; Brooke Ray Rivera
brookeray@buildpublic.org

Subject: REMINDER: Doodle Poll + Notes from 6/12 Dolores

Park GBD Meeting

Hi all!

Just a reminder to respond to this Doodle poll to confirm our next meeting date.

At our June 12th meeting, we tentatively set our next meeting date to be Tuesday, June 26th at

6 PM, pending the availability of our greater group. If this date doesn't work for most, we'll reschedule this meeting for another date in June or July.

Cheers, Jonathan

Jonathan Goldberg Green Benefit District Program Manager

Operations | San Francisco Public Works | City and County of San Francisco 2323 Cesar

Chavez Street | San Francisco, CA 94124 | (o) 415.695.2015 | (c) 415.304.0749

sfpublicworks.org · twitter.com/sfpublicworks

From: Goldberg, Jonathan (DPW)

Sent: Wednesday, October 24, 2018 7:40 PM

To: Goldberg, Jonathan (DPW); Brett Uder (blider@gmail.com); Bruce Bowen; Carolyn; Gorgas, Christopher (ECN); Claude Imbault; conan mchugh; Ned Moran; Eric Guthertz; Hans Kolbe;

'Jim Chappell'; Uore Milgrom-Gartner; nori yatsunami tong; David; Brooke Ray Rivera;

Cc: brookeray@buildpublic.org; juliaayeni@sfparksalliance.org; Conan McHugh Subject:

Outreach Check-in: Mission Dolores GBD Feasibility Survey

When: Monday, October 29, 2018 6:00 PM-7:30 PM (UTC-08:00) Pacific Time (US & Canada). Where: Conference Call

Hi all-

This conference call will be to check-in regarding survey and outreach efforts to date. Conference call details will be forthcoming.

Cheers, Jonathan

Celantra Systems
[REDACTED]

From: Corgas, Christopher (ECN) [<mailto:christopher.corgas@sfgov.org>]
Sent: Wednesday, January 10, 2018 9:16 AM
To: Hans Kolbe <hanskolbe@celantrasystems.com>; Sam Mogannam <Sam@biritemarket.com>
Subject: Meeting

Hi Sam and Hans,

Happy new year! Hope you both are having 2018 start out strong and well.

I am reaching out to both of you in regards to 18th Street capacity building. I would like to schedule meeting between the three of us sooner rather than later to plot the path forward. How is your schedule this Friday or next week?

Regards,

Chris Corgas, MPA
Senior Program Manager
Office of Economic and Workforce Development
1 Dr. Carlton B. Goodlett Place, Room 448
San Francisco, CA 94102
O: 415-554-6661
christopher.corgas@sfgov.org

sent from mobile

On Jan 12, 2018 2:10 PM, "Corgas, Christopher (ECN)" <christopher.corgas@sfgov.org> wrote:

Hi Sam and Hans,

I will need both of you to confirm Monday at 12:30 PM and agree to a location. Once we get that squared away I can put on my calendar.

Regards,

Chris Corgas, MPA

Senior Program Manager

Office of Economic and Workforce Development

[1 Dr. Carlton B. Goodlett Place, Room 448](#)

[San Francisco, CA 94102](#)

O: [415-554-6661](tel:415-554-6661)

christopher.corgas@sfgov.org



Co-author of [*EAT GOOD FOOD: a grocer's guide to shopping, cooking, and creating community through food*](#)

From: Corgas, Christopher (ECN) [mailto:christopher.corgas@sfgov.org]
Sent: Monday, March 12, 2018 9:25 AM
To: Sam Mogannam; Hans Kolbe
Cc: Goldberg, Jonathan (DPW)
Subject: Meeting Tonight

Hi Sam and Hans,

Look forward to seeing you and the rest of the steering committee tonight for a robust discussion on the proposed map for a GBD. I wanted to give you a heads up that I will be about 10/15 minutes late, I will be coming from an item before the Small Business Commission.

Regards,

Chris Corgas, MPA
Senior Program Manager
Office of Economic and Workforce Development
1 Dr. Carlton B. Goodlett Place, Room 448
San Francisco, CA 94102
O: 415-554-6661
christopher.corgas@sfgov.org

... as supporting, serving, and creating community through food

From: Corgas, Christopher (ECN) [mailto:christopher.corgas@sfgov.org]
Sent: Monday, March 12, 2018 11:11 AM
To: Sam Mogannam
Subject: RE: Meeting Tonight

Hi Sam,

The agenda will be to discuss the map area and we should have a final area tonight for the survey area. This shouldn't last longer than 1.5 hours.

-Chris

From: Sam Mogannam [mailto:Sam@biritemarket.com]
Sent: Monday, March 12, 2018 11:10 AM
To: Corgas, Christopher (ECN) <christopher.corgas@sfgov.org>
Subject: RE: Meeting Tonight

Hey Chris
What should the agenda for tonight be?

Thanks,

From: Goldberg, Jonathan (DPW)
Sent: Tuesday, May 15, 2018 7:55 PM
To: Carolyn; Sam Moqannam; Corgas, Christopher (ECN)
Subject: RE: GBD Steering Committee Meeting

Most definitely. Benefit districts (CBDs, GBDs, & BIDs) aren't easy to understand or digest in one sitting.

On this issue, there's a tricky balancing act when initiating the outreach process: too much time spent on informational outreach for newcomers puts-off engaged members that are already up-to-speed; not enough time spent on distilling priorities for engaged members loses the focus of newcomers who don't understand the overall process.

For Thursday, we're working to update the proposed agenda and refine the exercise/activity for the group. We'll be spending a few minutes reviewing where we are – Supervisor Sheehy secured funding for this process; a group of community members started began conceptual discussions a couple months ago; etc. etc. – before introducing an activity that is easy to understand and more intuitively-based: what are your priorities? What are opportunity sites in the neighborhood? Where do key, reoccurring neighborhood issues lie?

Thursday's meeting will focus less on the (wonky) GBD concept and more so on the distillation of some commonly-shared neighborhood themes. This meeting's facilitated discussion will help inform how these commonly-shared themes might tie-in to and potentially be addressed by the GBD concept. Ultimately, these themes will help generate messaging moving forward, be it a motivational pitch (with a geographic focus) or some universal message that will help positively engage others in this process.

Of course, Chris, Place Lab, and I will be available to respond to any targeted questions about the model after the meeting, should they arise.

Cheers,
Jonathan



Jonathan Goldberg
Green Benefit District
Program Manager

From: Corgas, Christopher (ECN) [mailto:christopher.corgas@sfgov.org]
Sent: Friday, June 01, 2018 10:45 AM
To: Brooke Ray Rivera <brookeray@placelabsf.org>; Sam@biritemarket.com; Hans Kolbe <hanskolbe@celantrasystems.com>; Carolyn Thomas <carolynj0@yahoo.com>; Toral Patel <toral@placelabsf.org>; Goldberg, Jonathan (DPW) <jonathan.goldberg@sfdpw.org>; bruce.r.bowen@gmail.com; Robert Brust <rkbrust@gmail.com>; Jim Chappell <jimchappellsf@gmail.com>
Subject: New SC member - Dolores Park GBD

Hi All,

I am sure I am missing a bunch of my emails in my haste to get this out. I ran into Jim Chappell last evening, who lives in the vicinity we are looking at for the Dolores Park GBD and is interested in becoming involved.

For those of you who do not know, he specializes in providing strategic assistance to the development community and public agencies on private-public initiatives. From 1994 to 2009, he led the San Francisco Planning and Urban Research Association (SPUR), bringing a balanced and informed perspective to San Francisco Bay Area urban issues through research, education, and advocacy. Prior to that he began his career as a planning and development consultant, working for some of the country's top planning firms, on a wide variety of projects for developers, public agencies, and community groups.

He is skilled in strategic planning, positioning, zoning and land use planning, project siting, entitlements, public/private partnerships, historic preservation, park and recreation planning, community relations and government relations.

Jim is highly regarded in the field and I have had the pleasure of working with him on various CBD formations. I trust his wisdom will be most beneficial to steering committee.

Please loop him in, he is included in this email.

Regards,

Chris Corgas, MPA
Senior Program Manager

econdevintern, (ECN)

From: Jim Chappell [REDACTED] >
Sent: Friday, June 01, 2018 11:35 AM
To: Corgas, Christopher (ECN)
Cc: Brooke Ray Rivera; Sam@biritemarket.com; Hans Kolbe; Carolyn Thomas; Toral Patel; Goldberg, Jonathan (DPW); [REDACTED]; Robert Brust
Subject: Re: New SC member - Dolores Park GBD

Thanks Chris. Just to be clear, I am interested in participating as a neighbor and volunteer. I'm not looking for work. Happily retired!

Jim Chappell
708 Guerrero
[REDACTED]

On Fri, Jun 1, 2018 at 10:45 AM, Corgas, Christopher (ECN) <christopher.corgas@sfgov.org> wrote:

Hi All,

Guzman, Andrea (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records
Sent: Thursday, January 31, 2019 4:32 PM
To: 'pauljsomers@gmail.com'
Subject: RE: Violation of SFSO
Attachments: 2019.1.31 Response to P. Somers.pdf



Mr. Somers – Please see the attached determination concerning your petition.

Best,

Bradley Russi

Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: Russi, Brad (CAT) **On Behalf Of** Supervisor Records
Sent: Friday, January 11, 2019 5:03 PM
To: 'pauljsomers@gmail.com' <pauljsomers@gmail.com>
Subject: RE: Violation of SFSO

Mr. Somers – I write to acknowledge receipt of your petition to the Supervisor of Records. We will look into your petition and let you know if we have questions. Thank you.



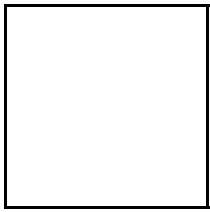
Best,

Brad

Bradley Russi

Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: Paul Somers <pauljsomers@gmail.com>
Sent: Friday, January 11, 2019 3:40 AM
To: CityAttorney <cityattorney@SFCITYATTY.ORG>
Subject: Fwd: Violation of SFSO



Please disregard the previous email. This is the correct version.

January 11, 2019

Dennis Herrera
Supervisor of Records
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

Via Email with Hard Copy Sent Via 2 day USPS Express

Re: San Francisco District Attorney's Office Refusal to Release Information Regarding Investigation of Brian T. Ashe, Shireen Y. Wetmore, Kyle Petersen of Seyfarth Shaw LLP Related to Fraud and Forgery Investigation August - October 2017 in Violation of the San Francisco Sunshine Ordinance

Dear Mr. Herrera,

I write to you as the Supervisor of Records for San Francisco concerning the San Francisco DA's ("SFDA") violation of the San Francisco Sunshine Ordinance ("SFSO"). The SFDA is refusing to provide all internal information pursuant to a SFSO request made on or about July 13, 2018. (See attached).

In August 2017, I notified the SFDA of an incident involving several defense attorneys who engaged in crimes of fraud, forgery, identity theft, etc. in an attempt to misrepresent me, the plaintiff in the lawsuit Paul Somers v. Digital Realty Trust, Inc., et al. The case is still pending in the District Court of the Northern District of California despite being labeled as closed (03-14-cv-015180)

Despite multiple requests for all documentation, the SFDA has only released documents that I sent to them to enable the investigation. This is unacceptable. The SFDA has stalled this process far too long. Because a judicial officer is involved the laws do not change.

A criminal investigation of the defense counsel was well underway before it appears it was shut down at the request of a judicial officer acting outside of her jurisdiction. Direct evidence proving this was discovered last year. The SFDA's decision to forego completing the investigation was done for improper reasons and as a result, they can now be proven has been highly prejudicial to my case. It is for this reason I am seeking all information about the investigation. The SFDA is refusing to provide anything in writing or disclose who orders the investigation shut down and why.

Please instruct the SFDA to comply with the SFSO and release every last scrap of paper, voice mail, text or email, appointment related to the investigation was included. They only half-heartedly complied to my request by sending me a file containing everything I had already sent to them.

It's simply not possible that there is no internal documentation at the SFDA offices related to the Seyfarth investigation.

The SFDA declared the investigation closed. As a result, they are obligated to release everything but for personal information such as social security numbers, bank account numbers, etc. The SFSO obligates the SFDA to release everything unless there is a valid reason. Any reasons to withhold must be detailed in writing. I can see no justifiable reason for withholding any information related to the investigation into this matter.

Thank you for your assistance,

Paul Somers
415-660-8278
paulsomers@me.com
pauljsomers@gmail.com

CITY AND COUNTY OF SAN FRANCISCO



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January 31, 2019

Sent via email

Paul Somers (pauljsomers@gmail.com)

Re: Petition to Supervisor of Records

Dear Mr. Somers:

This letter responds to your petition to the Supervisor of Records sent via email on January 11, 2019. The petition concerns your public records request to the San Francisco District Attorney's Office ("DA's Office"). We conclude that the DA's Office properly withheld records responsive to your request under Section 6254(f) of the Government Code and *Rivero v. Superior Court*, 54 Cal. App. 4th 1048 (1997).

Background

On July 11, 2018, you sent a public records request to the DA's Office requesting all documents "related to the investigation of [certain individuals employed by] Seyfarth Shaw regarding the Fraud and Forgery per Paul Somers email to SFDA on August 7, 2017."

The DA's Office initially responded on July 23, 2018, producing thirteen documents that appear to consist of communications between you and the DA's Office and attachments that you provided the DA's Office and invoking an extension with respect to additional documents. The DA's Office sent you a further response on August 3, 2018, producing another thirteen documents constituting communications between you and the DA's Office. In the August 3 response, the DA's Office also disclosed information pursuant to Section 6254(f)(2)(A) of the Government Code concerning your complaint to the DA's Office regarding the Seyfarth Shaw attorneys. The DA's Office declined to disclose any records it may have in its investigative file concerning this matter under Government Code Section 6254(f) and *Rivero v. Superior Court*, 54 Cal. App. 4th 1048 (1997).

Response to Petition

In your petition, you contend that because the DA's Office has closed its investigation into the Seyfarth Shaw attorneys, the Sunshine Ordinance requires the DA's Office to disclose its entire file concerning that investigation.

The California Public Records Act provides an exemption to public disclosure for investigative files of a district attorney's office. *See* Gov't Code § 6254(f). This exemption is available even after the agency closes its investigation. *Williams v. Superior Court*, 5 Cal.4th 337, 361-362 (1993) ("we shall enforce subdivision (f) according to its terms by holding the exemption for investigatory files does not terminate with the conclusion of the investigation.") But a municipality may adopt a requirement that allows greater access to its records than

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provided by the Public Records Act. *See* Gov't Code § 6253(e). Presumably, you base your argument that the DA's Office must disclose records from a closed investigation on Section 67.24(d) of the Sunshine Ordinance (S.F. Admin. Code § 67.24(d)) which provides, "[r]ecords pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first."

In *Rivero v. Superior Court*, 54 Cal. App. 4th 1048 (1997), the court addressed the same situation present here, albeit involving a prior version of San Francisco's Sunshine Ordinance. In *Rivero*, the petitioner requested from the DA's Office the investigative file for a closed case. *Id.* at 1051. The version of the Sunshine Ordinance in place at that time also required that investigative files not be withheld under Section 6254(f) after the investigation was closed and the prospect of an enforcement action "has been terminated by either a court or a prosecutor." *Id.* at 1053 (quoting earlier version of S.F. Admin. Code § 67.24(d)). The court confronted the question of whether the compelled disclosure required by this provision obstructed the investigatory function of the DA's Office under Section 25303 of the Government Code. That section provides that a county board of supervisors "shall not obstruct . . . the investigative and prosecutorial function of the district attorney of a county." Gov't Code § 25303. The court concluded that the compelled disclosure of a closed criminal investigative file required by the Sunshine Ordinance obstructs the investigatory function of the DA's Office in contravention of Section 25303, and that this conflicting local ordinance "must yield" to state law. *Id.* at 1059-60. And the provision of the Public Records Act "allow[ing] local agencies to permit greater access to records than offered by the [Public Records Act] does not compel a different conclusion," because "[i]t does not authorize a local board of supervisors to violate section 25303." *Id.*

Interpreting Section 67.24(d) in its current iteration to compel disclosure of the DA's Office's closed criminal investigative files would contravene Section 25303. As a result, the DA's Office properly withheld the records you requested under *Rivero* and Section 6254(f) of the Government Code.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney



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Deputy City Attorney